

# HB 389 HD3

RELATING TO LAND USE.

Establishes the Heeia Community Development District in Koolaupoko, Oahu.  
Effective July 1, 2030. (HB389 HD3)



## DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

NEIL ABERCROMBIE  
GOVERNOR  
RICHARD C. LIM  
INTERIM DIRECTOR  
JESSE K. SOUKI  
INTERIM DIRECTOR  
OFFICE OF PLANNING

### OFFICE OF PLANNING

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Statement of  
**JESSE K. SOUKI**  
Interim Director, Office of Planning  
Department of Business, Economic Development, and Tourism  
before the  
**SENATE COMMITTEE ON WATER, LAND AND HOUSING**  
Tuesday, March 15, 2011  
1:15 PM  
State Capitol, Conference Room 225

in consideration of  
**HB 389, HD3**  
**RELATING TO LAND USE**

Chair Dela Cruz, Vice Chair Solomon, and Members of the Senate Committee on Water, Land and Housing.

HB 389, HD3 establishes the Heeia community development district by adding a new part to Chapter 206E, HRS. We have no position on the establishment of a new community development district at Heeia, Koolaupoko, Oahu. We support the provisions under "policies to guide development" which specifies that special management area (SMA) and shoreline setbacks for the Heeia community development district continue to be administered by the City and County of Honolulu.

As an additional amendment, to maintain consistency in the statute, we recommend that §206E-8.5 **Developments within special management areas and shoreline setback** be amended by amending its subsection (a) to read as follows:

“(a) Notwithstanding chapter 205A, all requests for developments within a special management area and shoreline setback variances for developments on any lands within a community development district, for which a community development plan has been developed and approved in accordance with section 206E-5, shall be submitted to and reviewed by the lead agency as defined in chapter 205A. In community development districts ~~[for which a community development plan has not been developed and approved in accordance with section 206E-5,~~ that were established after 2010, parts II and III of chapter 205A shall continue to be administered by the applicable county authority. ~~[until a community development plan for the district takes effect.]”~~

When Chapter 205A, HRS, was first formulated, the decision was made to have the regulatory function at the county level. As the lead agency, the Coastal Zone Management (CZM) Program of the Office of Planning’s (OP) duties and responsibilities are primarily in the areas of policy and program development. Its duties and responsibilities include developing the ocean and resources management plan, providing support and assistance in the administration of the CZM Program, reviewing federal consistency with the CZM Program, and administering CZM grants. In 1990, the law was amended to provide that OP administer SMA and shoreline setbacks for community development districts. OP’s ability to administer SMAs and shoreline setbacks in new community development districts is constrained by staff resources. In addition, an expansion of OP’s regulatory duties would not be consistent with its primary functions.

Thank you for the opportunity to testify.

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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PETER B. CARLISLE  
MAYOR



DAVID K. TANOUE  
DIRECTOR

JIRO A. SUMADA  
DEPUTY DIRECTOR

March 15, 2011

The Honorable Donovan M. Dela Cruz, Chair  
and Members of the Committee on  
Water, Land and Housing  
State Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chairs Oshiro and Members:

**Subject: House Bill No. 389, HD3  
Relating to Land Use**

The Department of Planning and Permitting (DPP) is **opposed** to House Bill No. 389, HD3 which would place almost 500 acres in Heeia under state jurisdiction with respect to land use planning and zoning. While we support the goal of restoring the wetland and establishing an agricultural presence on the lands already owned by the state, we are opposed to HD3 which would add 80 acres of land owned by Kamehameha Schools. It is unclear what the purpose is for adding these lands. This is a home rule issue.

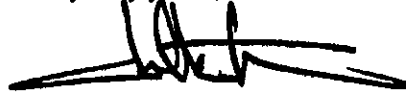
Please note that the city does have a regional plan that directs private and public investment in the area. The Koolau Poko Sustainable Communities Plan (SCP) already designates the subject Heeia area for preservation and open space purposes. Current zoning is in compliance with this plan. We are in the process of updating the plan and all stakeholders are invited to participate in this update. Therefore, we see no need for state intervention in land use planning and zoning. If the state must take over zoning jurisdiction, we ask that the Hawaii Community Development Authority (HCDA) abide by the SCP which provides a comprehensive regional perspective.

Again, we are not opposed to the rejuvenation of the Heeia wetland, but are concerned with the growth of HCDA over county matters. Given its limited resources, we would prefer it concentrate on Kalaeloa, rather than expand to new areas.

The Honorable Donovan M. Dela Cruz, Chair  
and Members of the Committee on  
Water, Land and Housing  
State Senate  
Re: House Bill No. 389, HD3  
March 15, 2011  
Page 2

In short, please hold House Bill No. 389, HD3. Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Tanoue', with a long horizontal flourish underneath.

David K. Tanoue, Director  
Department of Planning and Permitting

DKT:jmf

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Testimony of The Nature Conservancy of Hawai'i  
Supporting H.B. 389 HD3 Relating to Land Use  
Senate Committee on Water, Land, and Housing  
Tuesday, March 15, 2011, 1:15PM, Room 225

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*The Nature Conservancy of Hawai'i is a private non-profit conservation organization dedicated to the preservation of Hawaii's native plants, animals, and ecosystems. The Conservancy has helped to protect nearly 200,000 acres of natural lands for native species in Hawai'i. Today, we actively manage more than 32,000 acres in 11 nature preserves on Maui, Hawai'i, Moloka'i, Lāna'i, and Kaua'i. We also work closely with government agencies, private parties and communities on cooperative land and marine management projects.*

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The Nature Conservancy supports H.B. 389 HD3 and its purpose to create the He'eia Community Development District. We believe the establishment of the development district will benefit the natural resource restoration and preservation efforts undertaken by the community for the He'eia ahupua'a and Kāne'ohe Bay.

The Conservancy's particular interest at He'eia had initially been to help protect the unique and important coral reefs and other marine resources of Kāne'ohe Bay. The Conservancy was already partnering with the State and the University of Hawai'i to remove invasive algae from the bay, but we soon learned that we should also be working with the community to reduce sedimentation flowing into the bay from the He'eia ahupua'a. In addition to the algae control work on the reef, we now have the good fortune to participate in and support an ambitious multi-partner project to restore a traditional Hawaiian wetland system. Begun by the Ko'olaupoko Hawaiian Civic Club, the restoration effort goes by the name *Mahuahua 'Ai o Hoi* and is led by the community non-profit Kako'o 'Ōiwi.

Kāne'ohe Bay is the largest bay in the Hawaiian Islands, and the only one in the main islands with all three types of reef habitat: a barrier reef, patch reefs and a broad fringing reef system along its shoreline. The bay also contains large sand flats, a number of extensive seagrass beds and some of the only remaining functioning estuarine (the convergence of river and ocean) habitats on O'ahu. As a result, the bay is home to some of the highest numbers and greatest diversity of fish, marine invertebrates and native marine algae anywhere on the island. It is frequented by green sea turtles, and used by sharks for birthing grounds, manta rays for foraging habitat and spinner dolphins for resting. The bay is also home to the only functioning rock-wall fishponds remaining on O'ahu.

The He'eia ahupua'a was once a thriving wetland, but today it is overrun with non-native grasses, trees and weeds. A Department of Defense dumpsite, surrounding development and two major highways that extend through the watershed contribute to urban sources of land-based pollution and sediment, which flow to the sea during heavy rains and choke the bay's reefs.

For the He'eia community and for the Conservancy, the goal is not only to reduce the amount and rate of sedimentation flowing into the bay and smothering coral reef habitat, but also provide alternative sources of food through taro cultivation and other crops, and a suite of agricultural and aquacultural jobs for local families. Together we hope that this project will not only protect and preserve the natural resources of the area, but also very importantly, transfer knowledge of traditional Hawaiian land management practices and customs to a new generation and strengthen the connection between people, their land and the sea.

BOARD OF TRUSTEES

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## KO'OLAUPOKO HAWAIIAN CIVIC CLUB

March 15, 2011

Senator Donovan M. Dela Cruz, Chair/and Members  
Senate Committee on Water, Land and Housing  
State Capitol  
Honolulu, HI 96813

Re: Testimony in Support of H.B. 389, H.D. 3 – Relating to Land Use

Aloha Chair Dela Cruz and Committee Members:

The Ko'olaupoko Hawaiian Civic Club strongly urges your committee's approval of House Bill 389, House Draft 3, which would establish the He'eia Community Development District.

Our civic club, established in 1937, represents native Hawaiians in nine ahupua'a from Kane'ohe to Kualoa, including the ahupua'a of He'eia. For the past several years, we have been working with other community members to plan for the restoration of agricultural productivity in the He'eia wetlands area.

This project would enable us to proceed more expeditiously toward the reclamation of these wetlands, mitigate environmental damage that has occurred in the area over decades, and bring new life to over 400 acres of once thriving kalo fields.

We are confident that this property, now under the jurisdiction of the Hawai'i Community Development Authority and leased to our non-profit partner Kako'o 'Oiwi, will bring economic, cultural, and environmental health to our community.

Passage of this legislation will facilitate our efforts toward that outcome.

Mahalo for allowing us to offer our mana'o.

Me kealoha pumehana,

ALICE P. HEWETT  
President

P. O. Box 664  
Kaneohe, HI 96744  
Ph. (808) 235-8111  
[www.koolaupokohcc.org](http://www.koolaupokohcc.org)

# KAKO`O O`IWI

March 14, 2011

TO: Sen. Donovan Dela Cruz, Chair  
And Members  
Water, Land & Housing Committee  
Hawai`i State Senate

FROM: Jerry Kaluhiwa, President  
Kako`o `Oiw

SUBJECT: TESTIMONY IN SUPPORT OF H.B. 389, HD3 – RELATING TO LAND USE

Aloha. My name is Jerry Kaluhiwa, and I speak in support of this legislation, which would create the He`eia Community Development Authority.

Our organization, Kako`o `Oiw, is a federally-recognized 501(c)(3) tax-exempt entity, which has been formed to perpetuate our Hawaiian culture and our `aina. Ua mau ke`ea o ka`aina I ka pono – the life of the land is perpetuated in righteousness.

We have been working with the Hawaii Community Development Authority (HCDA) for the past few years to see what could be done to restore life to these lands at He`eia. For too long, the lands have remained unproductive. We are trying to bring life and productivity back to this area.

We have worked with dozens of community organizations and are currently developing a master plan for the property, in collaboration with HCDA, the Ko`olaupoko Hawaiian Civic Club, the Nature Conservancy and others. Both the Kahalu`u and Kane`ohe Neighborhood Boards support our project.

We ask that you join us in helping to bring life and health back to the wetlands of He`eia.

Mahalo.

/s/ JERRY KALUHIWA  
President

46-005 Kawa St., #104  
Kane`ohe, HI 96744  
Ph. (808) 754-4862





# *Ko'olau Foundation*

P. O. Box 4749, Kane'ohe, HI 96744

Ph. (808) 218-4915

March 15, 2011

## Testimony in support of H.B. 389, H.D. 3 – Relating to Land Use

Aloha Chair Dela Cruz and Members of the Senate Committee on Water, Land and Housing:

On behalf of the Ko'olau Foundation, I ask your support for passage of House Bill 389, H.D. 3, which would establish a community development district for He'eia under the jurisdiction of the Hawai'i Community Development Authority. It would help advance the initiative of Mahuahua Ai o Hoi to restore to productivity the unused lands in the area once called the He'eia meadowlands.

The Ko'olau Foundation has been working for years to advocate for the perpetuation of our Hawaiian culture, heritage and people. We have worked to establish a cultural preserve in Ha'iku Valley, and have supported many other initiatives that would sustain a living culture for all of us here in the homeland of our native Hawaiian people.

We support this project, however, not just because it would benefit native Hawaiians but also because it can and will bring positive outcomes for the broader community of He'eia, Kane'ohe bay, Ko'olaupoko and all of Hawai'i.

There are four main objectives in the project:

- 1) To repair environmental damage that has occurred on this land over many decades
- 2) To restore agricultural productivity in lo'i kalo and other food products
- 3) To provide cultural and educational programs; and
- 4) To provide for economic and community-building opportunities for Ko'olaupoko.

The Ko'olau Foundation urges your support and passage of this legislation. Mahalo.

MAHEALANI CYPHER

Board Member

Ko'olauloa Hawaiian Civic Club

P.O. Box 532

Hau'ula, Hawai'i 96717

Committee on Water, Land and Housing

Senator Donovan M. Dela Cruz, Chair

Senator Malama Solomon, Vice-Chair

RE: Testimony relating to H.B. 389 H.D.3 (HSCR834)

Dear Chair Dela Cruz and Chair Solomon and Committee Members,

The Ko'olauloa Hawaiian Civic Club is the second oldest club of the Association of Hawaiian Civic Clubs, being established in 1924. We have a membership of 120 members and many life-members. The purposes foremost in our goals and objectives is to promote, to preserve and to perpetuate the traditional cultures of the native Hawaiians and to be self-sustaining in our lifestyles.

Therefore, KHCC supports H.B. 389 H.D.3 and its purpose to create the Heeia Development District which is in keeping with the purposes of our organization. We in the Ko'olauloa moku support the proposed development district to manage the Heeia wetlands especially in its restoration efforts to perpetuate the traditional cultures of lo'i/kalo, its wetlands, its streams, the estuaries and the Heeia fishpond.

Every Ahupua'a vision is to be a breadbasket of food production from the mountain to the ocean to include their plans in restoring those wetlands to flourishing lo'i/kalo and the making of their own poi, clearing the wetland areas for clear passage of the freshwater from the upper lands to the ocean and feeding into the fishponds.

KHCC support the intent of the bill to educate the people of Hawai'i on the essence of the lifestyle of our native Hawaiian people as they lived a productive life in an environment of natural resources that was good and healthy for them. With the ills of the world today, more of us should be an asset to our own ahupua'a system of creating a more healthy lifestyle for our own families, children and our posterity. I believe that is what the Heeia Development District will strive to achieve. I also would like to include the Kahana Community Association and Friends of Kahana in support of this legislation. Mahalo D. Ululani Beirne-Keawe, President

LEIALOHA "ROCKY" KALUHIWA  
P. O. Box 4870  
Kaneohe, HI 96744

March 14, 2011

TESTIMONY IN SUPPORT OF H.B. 389, H.D. 3  
Relating to Land Use

Aloha, Senator Dela Cruz and Members of this Committee:

My name is Leialoha "Rocky" Kaluhiwa, and I am a descendant of a kupa`aina family which has lived in the ahupua`a of He`eia for over 200 years.

I speak in strong support of House Bill 389, H.D. 3, to create the He`eia Community Development District. We have fought for decades for this area which we call Hoi -- but more commonly known as He`eia wetlands -- we fought to keep this area for agriculture and open space.

We are glad to have been working with Kako`o `Oiwī, the Ko`olaupoko Hawaiian Civic Club, and many others in our community to see that these lands will once again flourish and produce food for our people.

I urge all of you to vote to pass this bill out of committee and, eventually, to pass it on to the Governor for signing into law.

Mahalo for allowing me to offer my testimony.

/s/ Leialoha "Rocky" Kaluhiwa

TESTIMONY IN SUPPORT OF H.B. 389, H.D.3

March 15, 2011

To the Chair Donovan Dela Cruz and Members, Senate Committee on Water, Land and Housing, State Capitol, Honolulu, Hawaii, I say ALOHA!

My name is Caroline Bright, and I am a kupaaaina descendant of Heeia. I am speaking in favor of House Bill 389, House Draft 3.

I am 87 years young, and spent most of my life with my grandparents in Heeia. My grandfather, Ulysses Jones, was the overseer (luna) for the Territory of Hawaii, and one of the few attorneys in Koolaupoko. He used to drive a horse and buggy through these farmlands, because he was also the Konohiki of the water (auwai's) that had to remain clean and clear of debris.

He also collected rent for the Territory.

I have seen how beautiful these farms were, and how healthy our kalo was. My own aunties and uncles worked in the fields, in the area which we call Hoi, every day before they attended St. Ann's School.

We ate this taro every day of our lives – and I still eat poi every day.

This bill will help us to put this land back to how it was supposed to be. That is how Akua made it, and that is how it should be. I believe that is why it has not been covered in concrete or homes for all these years.

Please pass this bill. Mahalo.

Caroline Bright  
46-317 Halualani Pl.  
Kaneohe, HI 96744