



**SB3122 SD2 HD2**  
**RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY**  
House Committee on Finance

April 1, 2014

2:00 p.m.

Room 308

The Office of Hawaiian Affairs (OHA) **SUPPORTS WITH AMENDMENTS** SB3122 SD2 HD2, which would afford OHA the flexibility to seek limited residential development to explore revenue generating opportunities on certain of its Kaka‘ako lands transferred pursuant to Act 15 (2012). In line with the purpose of Act 15, the revenue would be used to further OHA’s kuleana as articulated in article XII, section 6 of the state constitution and chapter 10, HRS, to advocate for and better the conditions of Native Hawaiians.

SB3122 SD2 HD2 includes provisions to ensure opportunities for input by and provides benefits for the Kaka‘ako community. Foremost, in order to ensure more transparency and increased opportunities for community input, SB3122 SD2 HD2 would impose more public-hearing requirements for OHA residential plans or proposals than any other HCDA plan or proposal. Additionally, SB3122 SD2 HD2 would require establishment of a Kaka‘ako Makai association fee to fund various services and projects for the public benefit including maintenance, improvements, free public parking for park users, public beach access, security, parks and open spaces in the Kaka‘ako Makai area.

Act 15, Session Laws of Hawai‘i 2012, which emerged from SB2783, conveyed several parcels of land in Kaka‘ako Makai to OHA in order to resolve disputes and controversies relating to OHA’s constitutional and statutory portion of income and proceeds from the public trust lands for the period November 7, 1978 through June 30, 2012.

During that same 2012 Session, legislators proposed amendments to SB682 in order to give OHA enhanced entitlements on two of the parcels that would be conveyed, specifically the right to develop them for residential use, thus adding to their value. At the time, OHA testified that while we appreciated the effort to give us the enhanced entitlements, OHA did not want the amended SB682 to impair the passage of SB2783. The amended SB682 did not pass. However, in its 2012 testimony, OHA also assured that once OHA became the landowner and did its appropriate due diligence, OHA would be in a position to request entitlements in subsequent legislative sessions.

Based on OHA’s diligent planning for Kaka‘ako Makai to date, the time is now ripe for entitlement legislation. We have been exploring all options for our Kaka‘ako Makai properties to maximize our revenue-generating opportunities to best serve our beneficiaries. Thriving development on our Kaka‘ako lands, and the income generated to OHA, will allow us to better address our statutory responsibility to improve the conditions of Native Hawaiians. The

significantly enhanced revenue stream will help us achieve our strategic priorities in culture, land and water, economic self-sufficiency, education, health, and Hawaiian self-governance.

Our Kaka‘ako Makai lands are valued at an estimated \$200 million. We are seeking the ability to develop the land in a manner that is consistent with a \$200 million settlement. Our initial planning clarifies that we cannot achieve that goal with the current land use restrictions. As such, OHA is asking the Legislature to remove the residential-development restriction on certain parcels that are a subset of the parcels currently owned by OHA, so that we can reasonably balance the interests of Native Hawaiians and the general public to do something that will make us all proud.

Both stewardship and cultural values will drive our design and use decisions. Our policy is to ensure that our activities in Kaka‘ako Makai will balance pono and commerce and prioritize creating a Hawaiian sense of place. We will include beneficiary and community input in our master planning process; we have already included such input through initial stakeholder meetings (before and during the trust-revenue settlement discussions) and two subsequent charrette sessions held as part of our Framework Plan development.

OHA has been fighting from its inception to support appropriate safeguards to ensure responsible development. We are on record as advocates of sustainable growth, the preservation of natural and cultural resources, and the perpetuation of traditional and customary practices.

We understand better than any other developer the impacts of irresponsible development. Native Hawaiians have been victims of, and suffered most from, the consequences of reckless development. We seek to find the highest point at which the culturally rich use of our Kaka‘ako Makai lands intersects with revenue-generating use of the parcels. We are not seeking to do anything along the Kewalo waterfront that is not currently allowed. We do not intend to develop residential uses along that waterfront.

While OHA supports SB3122 SD2 HD2 as the vehicle for the entitlements, we recommend certain amendments. Attached is our proposed HD3. It would revise the HD2 as follows:

- Replace Section 1 (the preamble) with a preamble that, although similar in many respects to the HD2 preamble, would we believe better capture the impetus and legal foundations of the bill; and
- Change the effective date from July 1, 2050, to “upon its approval.”

In light of the above, OHA urges the Committees to **PASS** SB3122 SD2 HD2 with the amendments proposed above. Mahalo for the opportunity to testify on this important matter.

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# A BILL FOR AN ACT

RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to enhance the  
2 revenue generating capacity of three parcels of land that were  
3 transferred to the office of Hawaiian affairs by Act 15, Session  
4 Laws of Hawaii 2012. To accomplish this, the bill lifts the  
5 current restriction against residential development in Kakaako  
6 Makai to which the parcels are subject and raises the building  
7 height limit for two of the three parcels to four hundred feet.

8           The office of Hawaiian affairs was established under  
9 article XII, section 5 of the Hawaii State Constitution to "hold  
10 title to all the real and personal property now or hereafter set  
11 aside or conveyed to it which shall be held in trust for native  
12 Hawaiians and Hawaiians." Its board of trustees is authorized  
13 by article XII, section 6 of the State Constitution "to manage  
14 and administer the proceeds from the sale or other disposition  
15 of the lands, ... and income derived from whatever sources for  
16 native Hawaiians and Hawaiians, including all income and

1 proceeds from that pro rata portion of the trust referred to in  
2 section 4 of this article [i.e., the public land trust] for  
3 native Hawaiians." That section also authorized the board "to  
4 exercise control over real . . . property. . . transferred to  
5 the board for native Hawaiians and Hawaiians."

6 The legislature recognizes that the public land trust,  
7 created by the Admissions Act of 1959, comprises former Hawaiian  
8 Kingdom crown and government lands, and is held in trust for the  
9 general public and native Hawaiians and Hawaiians. The  
10 legislature recognizes that despite constitutional and statutory  
11 mandates, it was only after over thirty years of litigation and  
12 advocacy, including multiple Hawaii supreme court decisions,  
13 that the legislature, office of Hawaiian affairs, and governor  
14 agreed upon a transfer of lands to discharge claims relating to  
15 nonpayment of public land trust revenues via Act 15.

16 In Section 1 of Act 15, the legislature found that one of  
17 that Act's purposes was to

18 effectively and responsibly fulfill the constitutional  
19 obligation to native Hawaiians under article XII,  
20 sections 4 and 6, of the State constitution between

1 November 7, 1978, up to and including June 30, 2012,  
2 by . . . providing additional resources to the  
3 office [of Hawaiian affairs] in the form of fee simple  
4 title to certain parcels of land . . . .

5 In the same section of that Act, the legislature declared that  
6 the" [c]onveyance of the fee simple interest to the lands . . .  
7 . will allow the State to effectively and responsibly meet  
8 [those] constitutional obligations to native Hawaiians."

9 Section 2 of Act 15 stated that "the fee simple interest  
10 to [nine] parcels of land [including Lots 1 and 9 of File Plan  
11 2471 and the parcel identified by TMK (1) 2-1-15-61, was]  
12 conveyed to the office of Hawaiian affairs as grantee, as of  
13 July 1, 2012, as is, where is . . . ."

14 Particularly pertinent to the purpose of this Act, the  
15 legislature further declared that "[tlhe [p]roperties conveyed  
16 by this Act shall be deemed income and proceeds from the public  
17 land trust, as if the [p]roperties had been paid out of the  
18 income and proceeds from the public land trust pursuant to  
19 article XII, section 6 of the State Constitution," see Section 6  
20 of Act 15, and "[tlhe office of Hawaiian affairs shall

1 administer the [p]roperties in accordance with its duties under  
2 the Hawaii Constitution and as provided by law," see Section 2  
3 of Act 15.

4 Relying on its board of trustees' authority to "exercise  
5 control" over lands which the office holds in trust for its  
6 beneficiaries, and to "manage and administer" the income and  
7 proceeds from the public land trust lands it receives, the  
8 office of Hawaiian affairs has asked the legislature to enact  
9 this Act to allow the office to consider and apply for  
10 residential development on its Kakaako parcels, which were  
11 conveyed by Act 15, in order to maximize its revenue generating  
12 opportunities and further its purpose to better the conditions  
13 of native Hawaiians and Hawaiians.

14 The legislature finds that the on-going transformation of  
15 Kakaako into a place where the people of Honolulu can live, work  
16 and play, should increase the revenue generating potential of  
17 the land conveyed to the office of Hawaiian affairs by Act 15,  
18 and concomitantly increase the number of programs and kinds of  
19 services that the office was created to provide for native  
20 Hawaiians. The legislature also finds that allowing the office

1 to consider and apply for residential development on a specified  
2 subset of the parcels it received under Act 15 will provide the  
3 office with the ability to obtain the meaningful revenue  
4 intended by Act 15. The legislature finds that increased  
5 revenue generation will allow the office to continue to carry  
6 out the state's moral and legal responsibilities to address the  
7 ongoing historical injustices suffered by the Hawaiian people as  
8 well as the ongoing disparities relating to the health,  
9 economic, housing, food security, educational, and environmental  
10 conditions of Hawaiians and their communities.

11 The legislature agrees that the residential development  
12 restriction should be lifted to allow the office to realize the  
13 most income or proceeds that Lots 1 and 9 of File Plan 2471, and  
14 the parcel identified by TMK (1)2-1-15-61 could generate, if  
15 they were developed for residential use.

16 Accordingly, the purpose of this Act is to allow the office  
17 of Hawaiian affairs to seek residential development on a  
18 specified subset of land parcels transferred to the office of  
19 Hawaiian affairs pursuant to Act 15, subject to the public  
20 hearing and input requirements to hear and expressly consider

1 the concerns of the public relating to the use and development  
2 of those parcels.

3 SECTION 2. Chapter 206E, Hawaii Revised Statutes, is  
4 amended by adding three new sections to part II to be  
5 appropriately designated and to read as follows:

6 **"§206E-A Limited residential development in Kakaako; public**  
7 **hearing prerequisite; height limit; association fee.** (a) The  
8 authority may approve any plan or proposal for any residential  
9 development in Kakaako on any parcels identified as tax map key  
10 (1) 2-1-15-61 and Lots 1 and 9 of File Plan 2471 filed at the  
11 bureau of conveyances on February 23, 2010; provided that the  
12 authorization for residential development pursuant to this  
13 section shall apply to each of these land areas even in the  
14 event that a parcel's official tax map key number changes;  
15 provided further that approval may be granted only after the  
16 applicant seeking approval conducts a public hearing held in  
17 accordance with subsection (b), notwithstanding hearing  
18 procedures under chapter 91.

19 (b) Prior to submission to the authority of any plan or  
20 proposal for any residential development pursuant to this  
21 section, the applicant seeking approval shall hold a public



1 hearing after notice is published, in accordance with section  
2 1-28.5, at least thirty days prior to the hearing. The notice  
3 shall include:

- 4 (1) The date, time, and place of the hearing;
- 5 (2) A statement of the topic of the hearing; and
- 6 (3) A description of where, when, and how the residential  
7 development proposal may be viewed by the public.

8 All interested persons may submit data or opinions, orally or in  
9 writing, in conjunction with the hearing.

10 (c) Prior to submitting to the authority for approval any  
11 plan or proposal for residential development pursuant to this  
12 section, the applicant for approval shall fully consider all  
13 written and oral submissions allowed pursuant to subsection (b)  
14 with regard to the proposed residential development.

15 (d) Prior to approving any plan or proposal for  
16 residential development pursuant to this section, the authority  
17 shall hold a public hearing in accordance with subsection (b).

18 (e) Prior to approving any plan or proposal for  
19 residential development pursuant to this section, the authority  
20 shall fully consider all written and oral submissions received  
21 at the public hearings held by the applicant and the authority.

1       (f) Any other law to the contrary notwithstanding, the  
2 building height limit shall be four hundred feet for residential  
3 development pursuant to this section on the parcels identified  
4 by tax map key (1) 2-1-15-61 and Lot 1 of File Plan 2471 filed  
5 at the bureau of conveyances on February 23, 2010.

6       **§206E-B Kakaako makai association fee.** The authority shall  
7 determine a Kakaako makai association fee to be collected from  
8 all residential developments in Kakaako on lands identified in  
9 section 206E-A(a); provided that the fee shall be collected from  
10 residential owners.

11       **§206E-C Kakaako makai special account.** Kakaako makai  
12 association fees collected pursuant to section 206E-B shall be  
13 deposited into a special account in the Hawaii community  
14 development revolving fund established in section 206E-16.  
15 Moneys from the special account shall be used to fund various  
16 services and projects, including but not limited to maintenance,  
17 improvements, free public parking for park users, public beach  
18 access, security, and parks and open spaces, for the Kakaako  
19 community development district makai of Ala Moana boulevard and  
20 between Kewalo basin and the foreign trade zone. Disbursements  
21 from the special account shall be made in accordance with

1 procedures adopted by the authority and approved by the director  
2 of finance."

3 SECTION 3. Section 206E-12, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§206E-12 Dedication for public facilities as condition to**  
6 **development.** The authority shall establish rules requiring  
7 dedication for public facilities of land or facilities, or cash  
8 payments in lieu thereof, by developers as a condition of  
9 developing real property pursuant to the community development  
10 plan. Where state and county public facilities dedication laws,  
11 ordinances, or rules differ, the provision for greater  
12 dedication shall prevail.

13 This section shall not apply to lands identified in section  
14 206E-A(a)."

15 SECTION 4. Section 206E-31.5, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "~~§~~**206E-31.5**~~§~~ **Prohibitions.** Anything contained in this  
18 chapter to the contrary notwithstanding~~§~~ and except as  
19 provided in section 206E-A, the authority is prohibited from:

20 (1) Selling or otherwise assigning the fee simple interest  
21 in any lands in the Kakaako community development

1 district to which the authority in its corporate  
2 capacity holds title, except with respect to:

3 (A) Utility easements;

4 (B) Remnants as defined in section 171-52;

5 (C) Grants to any state or county department or  
6 agency; or

7 (D) Private entities for purposes of any easement,  
8 roadway, or infrastructure improvements; or

9 (2) Approving any plan or proposal for any residential  
10 development in that portion of the Kakaako community  
11 development district makai of Ala Moana boulevard and  
12 between Kewalo basin and the foreign trade zone."

13 SECTION 5. In codifying the new sections added by section  
14 2 of this Act, the revisor of statutes shall substitute  
15 appropriate section numbers for the letters used in designating  
16 the new sections in this Act.

17 SECTION 6. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 7. This Act shall take effect upon its approval.

# Kaka'ako Ūnited

Testimony of  
Sharon Y. Moriwaki  
Before the  
House Committee on Finance

Tuesday, April 1, 2014, 2:00 p.m., Conference Room 308

**In Strong Opposition to SB 3122 SD2, HD2  
Relating to the Hawaii Community Development Authority**

Chair Luke, Vice Chairs Nishimoto and Johanson, and Members

My name is Sharon Moriwaki. I am a resident of Kakaako and president of Kakaako United, an organization of citizens concerned about Kakaako's future.

SB 3122 SD2,HD2, if passed, will allow building of residential development in Kaka'ako Makai in violation of current law and the community-based plan that established public protections and uses for this last open shoreline in Honolulu.

OHA accepted the parcels as settlement knowing of the prohibitions against residential development and should not now use the "highest and best use" argument to violate the trust of the community and the spirit and intent of the prohibition in chapter 206E-31.5(2). This would be another broken trust affecting all of Hawaii's people, including Kanaka Maoli.

We strongly oppose SB 3122 SD2, HD2, and urge the bill be held.

Thank you for the opportunity to testify.

KŪ: Kaka'ako Ūnited  
415 South Street Main Office • Honolulu, Hawaii 96813  
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*Ensuring the quality of life for an integrated Kaka'ako community from mauka to makai.*

## HAWAIIAN AFFAIRS CAUCUS

Democratic Party of Hawaii

e-mail: mkhan@hawaiiantel.net or raytanv@aol.com

March 31, 2014

### LEGISLATIVE TESTIMONY

#### IN SUPPORT OF

### **SB3122, S.D. 2, H.D. 2, RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY**

Hearing, Tuesday, April 1, 2014, 2:00 p.m., Room 308

Rep. Sylvia Luke, Chair  
Rep. Scott Y. Nishimoto, Vice Chair  
Rep. Aaron Ling Johanson, Vice Chair  
Members, Committee on Finance

Aloha mai kākou

The Hawaiian Affairs Caucus of the Democratic Party of Hawai‘i strongly supports SB3122, S.D. 2. H.D. 2. Among its provisions, it authorizes residential development in certain specified parcels of land owned by the Office of Hawaiian Affairs in Kaka‘ako.

In 2012, the State of Hawaii by Senate Bill 2783, enacted into law as Act 015, resolved claims of the Office of Hawaiian Affairs for income and proceeds from public land trust lands from Nov 7, 1978 up to and including June 30, 2012. The settlement included certain parcels of land situated in Kaka‘ako makai.

A review of committee reports, especially that of the Judiciary and Labor and Ways and Means, indicates that the legislature recognized that, “The property identified in this measure is virtually contiguous, suited for master planning, and located in an area of Honolulu that is already experiencing significant redevelopment. Your Committees recognize the value of these properties and believe that **property values could be enhanced by certain entitlements that, while not specifically provided for in this measure, could be obtained at a future date.**” The committee report further recognized that, “The lands identified in this measure will provide a revenue stream to fund the Office of Hawaiian Affairs’ services to its beneficiaries, while creating jobs and funding valuable programs in every corner of the State.”

Accordingly, allowing development by OHA in the Kaka‘ako lands belonging to it was always envisioned by the legislature. The requirement to conduct a public hearing on any plan or proposal for any residential development in Kaka‘ako prior to submission of the plan or proposal to the HCDA is reasonable and allows a forum for the public and OHA beneficiaries to voice any concerns for their consideration.

Mahalo for this opportunity to testify. Please support SB3122 S.D.2, H.D. 2.

Respectfully

/s/ Raytan Vares via on-line testimony

RAYTAN VARES  
Co-Chair, Legislative Committee  
Hawaiian Affairs Caucus



*Native Hawaiian Chamber of Commerce*

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TESTIMONY OF THE  
NATIVE HAWAIIAN CHAMBER OF COMMERCE

TO THE  
HOUSE COMMITTEE ON FINANCE

**SENATE BILL NO. 3122, SD2, HD2**  
Relating to the Hawaii Community Development Authority

April 1, 2014

The Native Hawaiian Chamber of Commerce **strongly supports** this measure. The Native Hawaiian Chamber of Commerce represents nearly 180 members who are dedicated to strengthening Native Hawaiian businesses and professions throughout the state. In addition to strengthening Native Hawaiian businesses and professions, part of our mission is to advocate for improving the conditions of Native Hawaiians as a whole. This measure seeks to allow the Office of Hawaiian Affairs (OHA) the opportunity to develop residential homes on its parcels in Kaka'ako after it conducts a public hearing.

We believe that it is vital for OHA to have a strong revenue stream in order to fulfill its fiduciary duty of bettering the conditions for Native Hawaiians. In order for OHA to do this, the agency needs the ability to fully develop its properties. Throughout the years, a multitude of non-profit and community-based organizations as well as various state agencies have been provided with financial support by OHA to help the community. In order for OHA to continue being a source of support for the community that it is mandated to serve, the state now needs to lift the restriction that prevents the agency from maximizing the revenue potential on its lands. Residential units are an important component of OHA's mixed use development plan that incorporates both land stewardship and cultural values in its design. From its inception, OHA has supported appropriate safeguards to ensure responsible development, sustainable growth, and the preservation of natural and cultural resources.

The Native Hawaiian Chamber of Commerce supports this bill and urges the committee to consider adopting OHA's amendments in passing out this measure. Mahalo for the opportunity to testify.

Marlene Lum  
Board President

*Mission Statement: Connect and strengthen Native Hawaiian businesses and professions by building on a foundation of relationships, resources, and Hawaiian values.*



## Native Hawaiian Chamber of Commerce

*Mission Statement: Connect and strengthen Native Hawaiian businesses and professions by building on a foundation of relationships, resources, and Hawaiian values.*



Association of Hawaiian Civic Clubs  
P. O. Box 1135  
Honolulu, Hawai`i 96807

**SB 3122SD2HD2 RELATING TO HAWAII  
COMMUNITY DEVELOPMENT AUTHORITY**

**COMMITTEE ON FINANCE**

Tuesday, 4/01/14; 2:00pm; Room 308

Aloha Madam Chair Luke, Vice chairs Nishimoto and Johanson and members of the Finance Committee. I am Soulee Stroud, president of the Association of Hawaiian Civic Clubs(AHCC) here to lend support to this bill that would give trustees of the Office of Hawaiian Affairs(OHA) an opportunity to expand projects and programs for its beneficiaries.

The Hawaiian community witnessed OHA's acceptance of the Kakaako Makai lands at community presentations statewide with joy and disbelief that the government of Hawaii was finally settling a 100 year old debt with its native people. It was a rude awakening to later learn that perhaps it wasn't such a good deal once the rules, regulations and public hostility become reality.

The AHCC believes that OHA is reasonable and must be allowed to maximize its property to best serve its beneficiaries, or the State, through HCDA, is in the awkward position of offering OHA a Kingdom, but withholding the Keys.

We support this bill and urge its passage. Thank you for the opportunity to testify.

Contact: [jalna.keala2@hawaiiantel.net](mailto:jalna.keala2@hawaiiantel.net)

# *Malama Makaha*

March 30, 2014

TO: House Committee on Finance

SUBJECT: Testimony in Opposition to SB 3122 SD2, HD2

Dear Committee Members,

Malama Makaha **strongly opposes SB 3122**. There is overwhelming public anger at OHA's effort to skirt existing State Law by acquiring a variance by means of SB 3122 so they can develop condominium projects on the Kaka'ako coastal area. If the State allows this kind of "variance law" to pass, then the original law prohibiting this kind of activity in Kaka'ako and the Kewalo Basin area will become useless to protect Hawaii's future generations from over-development.

The land OHA is trying to develop is precious and needs to be protected from development; there should be **no residential development on the makai side** of Ala Moana Boulevard nor should there be any buildings over current existing heights for commercial, private or other uses.

We are adamantly opposed to SB 3122; as our representatives who are guardians of Honolulu's future, we hope you feel the same way.

Mahalo Nui Loa,



AL Frenzel  
Malama Makaha  
84-933 Alahele St.  
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**KALIHI PALAMA HAWAIIAN CIVIC CLUB**

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March 7, 2014

LEGISLATIVE TESTIMONY  
IN SUPPORT OF  
**SB3122 SD2 HD2, RELATING TO HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY**

Hearing, Tuesday, April 1, 2014, 2:00 p.m., Room 308

Rep. Sylvia Luke, Chair  
Rep. Scott Y. Nishimoto, Vice Chair  
Rep. Aaron Ling Johanson, Vice Chair  
Members, Committee on Finance

The Kalihi Palama HCC is in support of SB3122 SD2 that would among its provisions authorize residential development on certain specified parcels of land owned by the Office of Hawaiian Affairs in Kaka‘ako.

It took the State of Hawaii over 30 years to resolve claims of the Office of Hawaiian Affairs for income and proceeds from public land trust lands from Nov 7, 1978 up to and including June 30, 2012. The settlement included certain parcels of land situated in Kaka‘ako makai. Clearly, a review of legislative committee reports reflected the intent that eventually OHA would seek the necessary permits to fully realize these property values and that the revenue generated would be used to fund the Office of Hawaiian Affairs services to its beneficiaries, while creating jobs and funding valuable programs.

OHA is committed to developing only three parcels for residential development, none that would obstruct access to the ocean. Too, they understand the impact of irresponsible development and the need to balance malama ‘aina values with commerce when designing these residential structures.

The requirement for public hearings on any plan or proposal for any residential development in Kaka‘ako prior to submission of the plan or proposal to the HCDA is reasonable and allows a forum for the public and OHA beneficiaries to voice any concerns for their consideration.

Mahalo for this opportunity to testify. Please support SB3122 SD2 HD2.



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April 1, 2014

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Aaron Ling Johanson, Vice Chair

SB 3122 SD2 HD2

RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY

Committee Chair and Members;

Hawaii's Thousand Friends, a statewide nonprofit organization dedicated to reasonable, responsible and appropriate planning and land use, opposes SB 3122 SD2 HD2 that allows residential development in Kaka`ako Makai.

The 2006 the legislature banned residential development in Kaka`ako Makai in response to citizen's protests against A & Bs proposed condo development. The protests showed that residents *do not* want makai views, ocean access and open spaces covered with residential development.

While SB 3122 SD2 HD2 limits residential development to three of OHA parcels if allowed it is a foot in the door to allow *more* residential development in the future.

SB 3122 SD2 HD2 is "special legislation" which under the Hawai`i Supreme Court ruling in the Superferry case (2009) is unconstitutional because the legislation benefits just one entity – OHA.

To get around the constitutional question HCDA, which oversees planning and zoning in Kaka`ako Makai, will have to give permits to all applicants seeking to develop residential condos in Kaka`ako Makai.

In Act 15 after completing "all due diligence investigations of the parcels necessary to satisfy itself as to the physical, environmental, **economic** and legal conditions..." OHA accepted the Kaka`ako Makai property "as is, where is." (Emphasis added)

SB 3122 SD2 HD2 is a bait and switch. In 2012 OHA accepted the prohibition against residential development only to turn around 2 years later and ask the legislature and the public to exempt OHA from the residential prohibition.

It is not the legislatures responsibility to change laws for OHA's economic gain or aid in the selling of public land without full and comprehensive legislative review.

SB 3122 SD2 HD2 allows OHA **to sell** public land pg. 1 lines 8-10 "...to allow residential development by the office of Hawaiian affairs itself or by third parties to which the office of Hawaiian affairs **conveys** the parcels." (Emphasis added)

HTF urges you not go down the slippery slope of residential condo's dotting the Kaka'ako Makai coastline by holding this "special legislation" in committee.

**SB 3122 SD2, HD2**  
**RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY**  
**House Committee on Finance**

April 1, 2014  
2:00 p.m., Conference Room 308

Aloha Kakahiaka Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson, and members of the Committee on Finance.

My name is Bruce Keaulani, and I am the Kahu and CEO of Living Life Source Foundation and am recognized by the State Historic Preservation Division of the DLNR as a lineal descendant of lands in Kaka`ako.

I am respectfully writing in **support** of SB3122 SD2, HD2, which authorizes limited residential development in certain specified parcels of land owned by the Office of Hawaiian Affairs in Kaka`ako, as a result of Act 15, Session Laws of Hawai`i 2012. Among other things, this Act fulfills a three decade-long obligation of the State to mālama the native people of Hawai`i.

I greatly appreciate OHA's effort to protect the area's beauty and ocean resources, while improving our `aina to ensure the best outcome for our people, in balance with the needs of the community, nature and the environment.

I am grateful to OHA for not advocating for residential development on all of the parcels it owns, but, only three of them, and that it has no intention of developing residential uses along the Kewalo waterfront. In making this decision, OHA has given meaningful consideration to balancing the voices of Kaka`ako residents, as well as to the calls of its beneficiaries, whose expectations are that OHA develop these lands with due consideration to economic and cultural values.

Thriving development on the Kaka`ako lands will generate resources to better address OHA's statutory responsibility to improve the conditions of Native Hawaiians. Unlike most developers, whose profits are for their personal benefit, OHA's public benefit nature ensures that income is to be used for the well-being of the Native Hawaiian community. At the same time, the community as a whole is positively impacted by the energy of OHA's programs and services.

The need for residential housing on O`ahu is dire. To see the truth with open eyes is to recognize that the area has, in fact, already returned to its residential roots, as men, women, and children without homes are being housed in an oceanfront warehouse, in buses provided for by loving community members, or on sidewalks, under their own tents.

It is my deep hope that OHA's work here will allow Native Hawaiians to be able to remain in our homeland where we may continue to practice our traditional and customary rights.

Mahalo nui loa for this opportunity to testify. Please support this bill.

**SB 3122 SD2, HD2**  
**RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY**  
**House Committee on Finance**

April 1, 2014  
2:00 p.m., Conference Room 308

Aloha Kakahiaka Chair Luke, Vice Chair Nishimoto, Vice Chair Johanson, and members of the Committee on Finance.

My name is Kehaulani Lum, and I am the President of the Ali'i Pauahi Hawaiian Civic Club. I am also a lineal descendant of native inhabitants of Kaka'ako.

I am respectfully writing in **support** of SB3122 SD2, HD2, which authorizes limited residential development in certain specified parcels of land owned by the Office of Hawaiian Affairs in Kaka'ako, as a result of Act 15, Session Laws of Hawai'i 2012. Among other things, this Act fulfills a three decade-long obligation of the State to mālama the native people of Hawai'i.

I greatly appreciate OHA's effort to protect the area's beauty and ocean resources, while improving our `aina to ensure the best outcome for our people, in balance with the needs of the community, nature and the environment.

I am grateful to OHA for not advocating for residential development on all of the parcels it owns, but, only three of them, and that it has no intention of developing residential uses along the Kewalo waterfront. In making this decision, OHA has given meaningful consideration to balancing the voices of Kaka'ako residents, as well as to the calls of its beneficiaries, whose expectations are that OHA develop these lands with due consideration to economic and cultural values.

Thriving development on the Kaka'ako lands will generate resources to better address OHA's statutory responsibility to improve the conditions of Native Hawaiians. Unlike most developers, whose profits are for their personal benefit, OHA's public benefit nature ensures that income is to be used for the well-being of the Native Hawaiian community. At the same time, the community as a whole is positively impacted by the energy of OHA's programs and services.

I beseech those who love Hawai'i and its natural environment to work with the Native Hawaiian people, rather than against us, to ensure the well-being of the traditional practices which form the foundation of preservation of land, ocean, sky and water.

It is my deep hope that OHA's work here will allow Native Hawaiians to be able to remain in our homeland for generations to come.

Mahalo for this opportunity to testify. Please support this bill.





March 31, 2014

Committee Chair & Members of Finance (FIN)

**RE: Strong Support for SB 3122, SD2, HD2**

**Hearing on Tue., 4/1, State Capitol, Conf. Rm. 308, 2:00pm.**

Dear Chair Luke, Vice Chairs Nishimoto and Johanson, and Committee Members,

My name is Stuart Coleman, and I am the Hawaii Coordinator of the Surfrider Foundation. With more than 5000 activists and supporters across the state, Surfrider strongly OPPOSES SB 3122. Eight years ago, our members joined the Save Kakaako Coalition to oppose building high-rise luxury towers in Kakaako Makai on public land. We worked with citizens, officials and legislators like you to pass a law to ban residential development in the area, and I can honestly say it restored my faith in the democratic process and was one of the highlights of my life!

Now, SB 3122 seeks to **exempt** OHA, the new owner of several Kakaako Makai parcels, from the 2006 law and undo the prohibition of residential development in the area. We have met with OHA representatives and are sympathetic to their desires to earn more money for their constituents, but we don't think this is the *pono* way to do that. Besides, OHA knew of the law when they accepted the Kakaako Makai property, and many Hawaiians support those residential restrictions. What good are our laws when legislators and governmental agencies keep making special exemptions?

We ask you to oppose this exemption because Kakaako Waterfront Park is one of the last areas of open space and park with public access to the shoreline along the urban Honolulu coastline. With 30 new high-rise towers proposed for Kakaako Mauka and a projected population increase of 30,000, there will be a need for this open park space. Kakaako Makai offers open access to shoreline fishing, diving and popular body boarding and surf sites, as well as a waterfront promenade and significant panoramic views. If these condo towers are allowed, they will establish a bad precedent, limit access and create a high-rise wall blocking the view plane many others.

In 2006, when legislators prohibited residential development in Kakaako Makai, only one or two lawmakers opposed the restrictions. But when the deal with OHA was made, several legislators promised to make an exemption for them. These lawmakers might have had good intentions, but they had no legal right to make that claim. We are asking you to preserve this last shoreline area and show the people of Hawaii that you will stand by existing laws, which they helped to establish. Mahalo for your time and consideration and please feel free to contact me if you have any questions or suggestions.

Sincerely,  
Stuart Coleman  
Stuart H. Coleman  
Hawaii Coordinator

TO: Chair, Representative Sylvia Luke, Vice Chair, Representative Scott Y. Nishimoto,  
and Vice Chair, Representative Aaron Ling Johanson

FROM: Dr. Noreen Mokuau

SUBJECT: SB 3122 HD 2- RELATING TO HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY

Hearing: Tuesday, April 01, 2014 2:00 P.M.

PURPOSE: In Support

Chair, Representative Sylvia Luke, Vice Chair, Representative Scott Y. Nishimoto, and Vice  
Chair, Representative Aaron Ling Johanson and members of the House Committee on Finance,  
thank you for this opportunity to provide testimony in support of SB 3122 HD 2.

As the dean of the Myron B. Thompson School of Social Work at the University of Hawai'i at  
Mānoa (MBTSSW) I stand in support of SB 3122 HD 2.

The mission of the MBTSSW is to provide educational excellence that advances social work  
with its focus on social justice. The principal responsibility is the generation, transmission, and  
application of knowledge for the global enterprise with special attention to Native Hawaiian,  
other Pacific Islander, and Asian populations in our state and region.

Through its mission and partnership in The College of Health Sciences and Social Welfare at the  
University of Hawai'i at Mānoa, MTBSSW is engaged in collaborative processes that will  
support transformative community teaching by promoting a "Hawaiian Place of Learning"  
rooted in health and wellness as well as becoming a place of discovery, innovation and  
inspiration for the Kaka'ako community and beyond.

I support SB 3122 HD 2 and OHA's focus of providing resources for Native Hawaiian  
beneficiaries.

I strongly urge your favorable consideration of this bill

Thank you for the opportunity to offer comments.



**O'ahu Council  
of the Association of Hawaiian Civic Club**

Testimony Presented Before the  
Senate Committee on Judiciary and Labor  
Tuesday, April 1 at 10:30 am

By  
Daniel Naho'opi'i, President  
O'ahu Council

**SB 3122 SD1 HD1 – RELATING TO HAWAI'I COMMUNITY DEVELOPMENT  
AUTHORITY**

Chair Luke, Vice Chairs Nishimoto and Johanson and Member of the Committee:

Aloha! My name is Daniel Naho'opi'i and I serve as the President of the Board of Directors for O'ahu Council of the Association of Hawaiian Civic Clubs (O'ahu Council). The O'ahu Council provides guidance to and assist in, the activities of all Hawaiian Civic Clubs on the island of O'ahu which is now or may hereafter be organized; advocate positions adopted by the Annual Convention, or as approved by the O'ahu Council; and promotes the self-determination and self-governance of the Native Hawaiian peoples.

On behalf of its Board of Directors and membership, we strongly support the SB 3122 SD1 HD1, which authorizes residential development by OHA on specified parcels in Kakaako Makai subject to public hearing, HCDA approval, and association fees to fund services and projects and exempts development from public facilities dedication requirement. This measure will also provide OHA the ability to fully develop its properties, enhancing a strong revenue stream and to further improve the conditions of Native Hawaiians today and the future.

Mahalo for the opportunity to testify on this important measure.



# KO`OLAUPOKO HAWAIIAN CIVIC CLUB

March 31, 2014

TO: Rep. Sylvia Luke, Chair / And Members  
House Finance Committee

FROM: Alice P. Hewett, President  
Ko'olaupoko Hawaiian Civic Club

SUBJECT: Testimony in Support of S.B. 3122, SD2, HD2 – Kaka`ako-Makai & OHA

Aloha Chair Luke and Members:

On behalf of the Ko'olaupoko Hawaiian Civic Club, I wish to offer our testimony in strong support of Senate Bill 3122 in its various forms, which would enable the Office of Hawaiian Affairs to develop residential housing on some of its property recently acquired from the State in the Kaka`ako-makai area.

We believe it is the fair thing to do, to empower OHA to realize the value of this property, value that was anticipated at the conclusion of negotiations between OHA and the state administration and legislature several years ago.

We also feel that it would be beneficial to residents of the Kaka`ako area to have these properties used for residential development instead of commercial uses, which OHA currently has the authority to develop.

Most importantly, however, is the serious need for affordable rental and housing units for young families and the elderly. For your members to oppose this bill merely because it allows for residential housing is puzzling to us, because the Legislature has always been in support of creating more affordable housing for our island families.

For those who have opposed this bill because they feel it would “block their views”, we can only respond that the buildings you now occupy are blocking the view of those who came to live and work in the area before you did.

We urge your committee to approve this bill, and to support its passage on the House and Senate Chambers.

Mahalo for allowing us to share our mana`o.

*The Ko'olaupoko Hawaiian Civic Club was established in 1937 and is a not-for-profit community organization dedicated to preserving and perpetuating the history, heritage and culture of Native Hawaiians. Its membership is open to people of Hawaiian ancestry and those who are “Hawaiian at heart”.*

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

**Name/Title:** Rafael Bergstrom, Surfrider Oahu Chapter Administrator; Junior Researcher, Department of Natural Resources and Environmental Management, UH Manoa

**Committee:** FIN

**Date/Time:** Tuesday April 1, 2014, 2:00 PM

**Measure Number:** SB 3122

Aloha FIN Committee members,

I would like to voice my strong opposition to SB 3122. Simply put, there is no such thing as responsible residential development in any makai area from now into the future. The world's climate is changing, the seas are rising, and weather patterns are acting with more force and less predictability. We have to be proactive in our efforts as humanity to stop making the same mistakes of the past and this means learning from events like hurricanes Sandy and Katrina. By building residentially close to our ocean we are being irresponsible, we are putting people in danger. Right now on this very island we are losing homes on the north shore. Sure the circumstances are slightly different and the forces of the ocean vary, but we must stop adding to the problem, we must start acting outside of the highest profits and greatest opportunity to make money. My opposition to this bill is not just about aesthetics, about views of Diamond Head, it is about so much more, it is about acting with foresight and about protecting a future that we constantly disregard for the quick fix.

The name of the developer on the bill should not matter. I sat down with OHA and listened to their arguments and very much believe that their intentions are better than a purely for profit developer, but that is not the issue. This land was protected from development for a reason; this land was protected by law less than 8 years ago. Does the law mean nothing? Are our decisions to protect land for the people that easily swayed? Should it matter who is asking for the exemption to the law? No. That is outside the bounds of this decision. I ask you as a committee of lawmakers to understand that.

When this land was given to OHA, both the State and OHA were well aware of the current building restrictions on the land, yet they agreed to settle this way. To try and force exemptions now is also irresponsible and dishonest on both sides. I highly encourage the state to understand that the intentions of OHA are not necessarily coming from a bad place and to consider a land exchange where they do have the opportunity to build residentially – but not here, not in a place on the water, not in a place that hundreds of concerned citizens of all walks of life, of all backgrounds, stood up to protect not long ago and are still doing now.

Thank you very much for taking the time to read my testimony and please take it into consideration in your decision on the issue.

Aloha,

Rafael Bergstrom



**"E Paepae I Luna Loa I Ka Malamalama"  
"Hold High the Light of Knowledge"**

Pearl Harbor Hawaiian Civic Club  
Chartered: April 16, 1964  
P.O. Box 66, Aiea HI 96701



Testimony of Charles Kapua, President

PEARL HARBOR HAWAIIAN CIVIC CLUB

IN SUPPORT

SB 3122 SD 2 HD 2 – RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY

HOUSE COMMITTEE ON FINANCE

April 1, 2014

Aloha Chair Luke, Vice-Chair Nishimoto, Vice-Chair Johanson, and members of the Committee,

My name is Charles Kapua, President of the Pearl Harbor Hawaiian Civic Club. I am testifying on behalf of our club's members in strong support of SB 3122 SD 2 HD 2. This bill will ensure that residential development proposed or planned by the Office of Hawaiian Affairs (OHA) at its lands in Kaka'ako Makai will include public meetings prior to decision-making by the Hawaii Community Development Authority.

In general, we support any measure that will facilitate or expedite OHA's development of Kaka'ako Makai. We supported the transfer of these lands to OHA in 2012 as a means for OHA to generate resources for OHA to fulfill its responsibility to improve the conditions of Native Hawaiians. These projects can help OHA to achieve financial self-sufficiency and long-term sustainability for our trust.

We expect this bill will provide for open meetings, consultation and exchange of mana'o to help mitigate concerns of the public on this development. Our club members also look forward to participating in these planning meetings.

For these reasons, we respectfully urge your committees to pass this bill. Mahalo nui loa for your consideration of our testimony.

**From:** shockleyjr@gmail.com  
**Sent:** Sunday, March 30, 2014 11:00 AM  
**To:** FINTestimony  
**Subject:** LIVE NOTE: Testimony in strong opposition to SB 3122 SD2, HD2

**Aloha!**

**SB3122 is the last hope for the developers and non forward thinking trade unions to pass this “variance” law to skirt the present State Law that forbids residential structures ocean-side of Ala Moana Blvd. Granted the Office of Hawaiian Affairs want to make the most dollar-per-square-foot on their three ceded properties. That kind of development planning is not in the interest of O’ahu’s people. The units in the proposed structures will cost well over a million dollars each. This is way over the kind of income any local middle class family can afford. Even if 20 percent of these units are priced moderately, expect that real estate “flippers” will be lined up on opening day looking to make a killing without doing one thing to help Kaka’ako Makai.**

**Other options for OHA’s newly acquired land? How about responsible development where the iconic Fisherman’s Wharf Restaurant could be transformed into a two-story business location with the bottom floor set aside for a casual plate-lunch style venue with access to a nice walk on Kewalo Basin? The upper floor could be an upscale restaurant with dancing/entertainment at night. The other properties could feature first-floor commercial business space with upper floors reserved for doctors, lawyers, and other commercial offices. Subterranean FREE parking would keep the open green space and open up to visitor traffic free access to Kewalo Basin. OHA, who claims to be doing what they do for “the Hawaiian People” could build a low-entry cost Cultural Center offering entertainment, cultural activities, and a museum so Hawaii’s children would have a place to go and relax for years to come? My point—there are OTHER options for OHA besides building illegal residential high-rises.**

**The group you see in this hearing room is not against development and job-creation, they are here beckoning the State Senate to pass laws for the good of all the people, not special interest and short-sighted developers.**

**We are hoping the Senate and OHA does the right thing for Hawaii’s future. NO on SB 3122.**

**Mahalo for your time.**

**John & Rita Shockley  
FREE ACCESS COALITION  
672-6535**

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 30, 2014 11:55 AM  
**To:** FINTestimony  
**Cc:** nimboy44@aol.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bill Quinlan	Individual	Oppose	No

Comments: Aloha, the proposed OHA over development at Kaka'ako is against the law and against the best interests of the residents of Oahu. Turning Honolulu into HongKongalulu is not the direction we should be going in. Our tourists leave big cities like Tokyo to enjoy the seaside ambience that we currently provide. Don't kill the goose that continues to lay Golden eggs. OHA needs to come up with a better, low density plan. Thank you, Bill Quinlan Velzyland

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## finance1

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**From:** Pua Doane <pdoane@hawaii.edu>  
**Sent:** Saturday, March 29, 2014 2:12 PM  
**To:** FINTestimony  
**Cc:** Rep. Beth Fukumoto; Sen. Michelle Kidani  
**Subject:** SB3122

I support OHA's efforts to generate more income on its Kakaako Makai lands and therefore support SB3122. I understand that many folks have concerns—but in light of the issues facing our people (they are literally dying from drug abuse or health issues, living in poverty, currently incarcerated)—I think OHA should be able to explore opportunities to provide more funding to address these issues.

Mahalo Nui,  
Pua Moana, UH West Oahu Student, Native Hawaiian, Mililani Resident

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 29, 2014 7:32 PM  
**To:** FINTestimony  
**Cc:** clkkimura@gmail.com  
**Subject:** \*Submitted testimony for SB3122 on Apr 1, 2014 14:00PM\*

**SB3122**

Submitted on: 3/29/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cara Kimura	Individual	Oppose	No

Comments:

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## finance8-Danyl

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**From:** Maka'ala Kaaumoana <makaala@hawaiian.net>  
**Sent:** Sunday, March 30, 2014 9:33 AM  
**To:** FINTestimony  
**Cc:** Capsun M. Poe  
**Subject:** SB3122

Aloha Chair Luke and committee members.  
I support SB3122.  
I reside and work in Senate District 8, and House District 14.  
Mahalo for considering this testimony is support of SB3122  
Makaala

Maka'ala Ka'aumoana  
Vice Chair  
Hui Ho'omalu i ka 'Aina  
POB 1045  
Hanalei, HI  
96714  
[808-346-5458](tel:808-346-5458)

Hui Ho'omalu i ka 'Āina is a taro root organization founded in the early 1980's by traditional practitioners of moku Halele'a to address threats and impacts to the natural and cultural resources of Kaua'i. Founded by farmers and fishermen, weavers and hunters, we seek to provide context for issues related to the ecology of our ahupua'a. The organization is an active advocate for those native things and ways that are disappearing. We are not a nonprofit, we are an activist organization. We do not whine and wait, we act.



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.

## finance1

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**From:** Donaldlynn Macadangdang-Doa <doa@hawaii.edu>  
**Sent:** Saturday, March 29, 2014 2:59 PM  
**To:** FINTestimony  
**Cc:** Sen. Les Ihara, Jr.; Rep. Scott Nishimoto  
**Subject:** SB3122 SD2 HD2 - Support

Aloha,

My name is Leimomi Doane and I am a Native Hawaiian student at Kamakakūokalani at the at the University of Hawai‘i at Mānoa. I am emailing in support of SB3122 SD2 HD2 which would provide OHA with an opportunity to explore residential options on some of its parcels in Kaka‘ako Makai.

OHA received its Kaka‘ako Makai parcels after more than 30 years of negotiation (lawsuits, various bill proposals, etc) with the State over public land trust revenue, which is generated on lands that were stolen from the Hawaiian Kingdom after the illegal-United States aided-overthrow of our Queen Liliu‘okalani.

OHA's development at Kaka‘ako will increase its community grants, establish a place for Native Hawaiians in Kaka‘ako, and will help OHA accomplish the goals set forth in its strategic plan. This includes OHA’s advocacy on wai, mālama ‘āina, and traditional and customary rights.

Eō,

Leimomi

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 29, 2014 9:56 PM  
**To:** FINTestimony  
**Cc:** ue-wale0903@hotmail.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/29/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Grace Ishihara	Individual	Oppose	No

Comments: I strongly oppose SB 3122 SD2 HD2. In 2006, the law of the land in Hawaii prohibited residential development in Kakaako Makai. The law ensures the public use of these lands and the careful supervision of these assets. The available lands should be preserved for public use such as park space. Kakaako is lacking the adequate park space and this will become more severe when the authorities approve, and the developers' construct 30 plus new towers in Kakaako. The area will require 60 acres of park space for Kakaako's 30,000 new residents. I don't think all opposing this bill are targeting the Office of Hawaiian Affairs, but is more concerned with preserving the land for the future of Hawaii. It actually does not matter who the developer is. Thank you for this opportunity to submit a testimony. Grace Ishihara ue-wale0903@hotmail.com

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 29, 2014 4:46 PM  
**To:** FINTestimony  
**Cc:** joelmark@hawaii.edu  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/29/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joel Mark	Individual	Support	No

Comments: If you are going to let everyone and their uncle build a giant high rise for rich people why can't OHA build one for Hawaiians?

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**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 29, 2014 4:21 PM  
**To:** FINTestimony  
**Cc:** wctanaka@gmail.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/29/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wayne	Individual	Support	No

Comments: The state failed in its constitutional obligation to provide Native Hawaiians and OHA with public land trust revenues for over 30 years. Please PASS SB3122 and ensure that we fully make up for these thirty years of dereliction that has resulted in needless suffering and ongoing injustice for the Native Hawaiian community. Mahalo!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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finance1

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From: Craig Tanaka <shanawt@hawaii.rr.com>  
Sent: Saturday, March 29, 2014 5:34 PM  
To: FINTestimony  
Cc: Sen. Jill Tokuda; Rep. Ken Ito  
Subject: SUPPORT for SB3122, Finance Hearing on April 2, 2014 at 2:00 p.m. in room 308

Aloha e Chair Luke, Vice Chair Nishimoto, and Honorable Members of the House Finance Committee,

Please PASS SB3122 and fully make right the state's 30 years of debt to Native Hawaiians and the Office of Hawaiian Affairs.

Thank you,  
The Tanaka 'Ohana  
Kane'ohe 96744



## finance1

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**From:** Emily Yeh <emrocks@gmail.com>  
**Sent:** Saturday, March 29, 2014 5:47 AM  
**To:** FINTestimony  
**Subject:** Testimony in strong opposition to SB 3122 SD2, HD2

Please vote NO to SB 3122 SD2, HD2.

Kaka'ako is one of the few remaining public recreation areas available for all people of Hawai'i to utilize. Please don't take away the place we gather with our family and friends to celebrate our milestones and make memories. I would like my children to grow up and be able to take their own children there one day, too.

Thank you for reading this email.

Emily Yeh.

Melody Kapilialoha MacKenzie, Esq.  
579 Kāne'apu Place ♦ Kailua, Hawai'i 96734  
(808) 780-8236 ♦ melodykmackenzie@gmail.com

**S.B. 3122, S.D. 2, H.D. 2**  
**Relating to Hawaii Community Development Authority**  
House Committee on Finance  
Rep. Sylvia Luke, Chair  
Rep. Scott Y. Nishimoto, Vice Chair  
Rep. Aaron Ling Johanson, Vice Chair  
Hearing on Monday, April 1, 2014, at 2:00 p.m.

Mahalo for this opportunity to submit testimony in **support** of S.B. 3122, S.D.2, H.D. 2, which enhances the ability of the Office of Hawaiian Affairs to develop land in Kaka'ako Makai for residential use. I am an associate professor at the William S. Richardson School of Law and director of Ka Huli Ao Center for Excellence in Native Hawaiian Law. I submit this testimony, however, in my personal capacity as a private citizen and an attorney who has advocated on behalf of Native Hawaiian clients and organizations, including OHA.

As you know, in 2012, as the past due public land trust settlement bill was going through the Legislature, several legislators pushed to include certain residential "entitlements" for the Kaka'ako Makai lands OHA was to receive. At the time, OHA asked legislators not to include such language since, if OHA did receive the lands, it would need additional time to review, plan, and determine the best use of those lands. OHA has now gone through an extensive review and evaluative process and believes that to achieve the best use and generate sufficient income to meet its fiduciary responsibilities, developing residential use of some of the Kaka'ako Makai land is necessary. OHA is not seeking to develop residential use along the Kewalo waterfront.

OHA has a fiduciary responsibility to its beneficiaries to utilize the Kaka'ako Makai land to generate income, which can then be used to fulfill needs in education, social services, health care, and other areas to improve the conditions of the Native Hawaiian community. OHA also has a responsibility to preserve natural and cultural resources, perpetuate traditional and customary practices, and ensure that all of its lands are managed in a sustainable and pono manner. OHA has stated that it seeks to "find the highest point at which the culturally rich use" of its Kaka'ako Makai lands "intersects with revenue generating use of the parcels." This is indeed a difficult, but worthy, undertaking. It is an undertaking that OHA should be encouraged to pursue and that the Legislature should support.

I commend the Legislature for considering S.B. 3122, S.D. 2, H.D. 2 and urge this Committee to pass it. Mahalo nui.

## finance1

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**From:** Kuhio Lewis <kuhiol@oha.org>  
**Sent:** Saturday, March 29, 2014 10:24 AM  
**To:** Hanalei Y. Aipoalani  
**Cc:** FINTestimony  
**Subject:** Re: Support SB3122, SD2, HD2

Mahalo again!

Sent from my iPhone

On Mar 29, 2014, at 10:21 AM, "Hanalei Y. Aipoalani" <haipoalani@yahoo.com<mailto:haipoalani@yahoo.com>> wrote:

Dear Honorable Chair Luke, Vice Chairs, and Members of the House Finance Committee:

Aloha no!

I am writing to express support of SB3122, RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

SB3122 seeks to authorize residential development by OHA on specified parcels in Kakaako Makai subject to public hearing, HCDA approval, and association fees to fund services and projects. The bill, if enacted, will also exempt related development projects from public facilities dedication requirement.

Given that it is OHA's intent to fully develop their Kaka'ako Makai properties in order to provide a strong revenue stream to fund community-based programs and work towards improving the conditions of Native Hawaiians today and tomorrow, I write to urge your support and passage of SB3122, SD2, HD2.

Mahalo nui loa,

Hanalei

Mr. Hanalei Y. Aipoalani, Ph.D., MBA  
Native Hawaiian, Beneficiary of OHA and HHC Private Citizen  
89-308 Mokiawe Street  
Waianae, Hawaii 96792

From: mailinglist@capitol.hawaii.gov  
Sent: Saturday, March 29, 2014 11:48 AM  
To: FINTestimony  
Cc: mgumapac@palamasettlement.org  
Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/29/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Matthew Gumapac	Individual	Support	No

Comments: I am submitting testimony in support of SB3122. This bill will give Hawaiians the financial revenue that is needed to continue the growth of the Hawaiian Language, its culture, and give current and future generations hope of gaining access to economic growth for individuals and small businesses, as well as much needed ownership of homes, job training, access to education and most important to connect with our Pride of our Ancestry. It is paramount that we continue our heritage as a proud people. We are willing to work at building our status as a people. With this bill, SB3122 it will give us the finances to build the foundations of life; working the Aina, educating our youth and build on strengthening the Hawaiian Culture. Mahalo Nui loa, Matthew Gumapac

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**finance1**

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**From:** Dyanne <funsurff@yahoo.com>  
**Sent:** Friday, March 28, 2014 10:54 PM  
**To:** FINTestimony  
**Subject:** Testimony in strong opposition to SB 3122 SD2, HD2

I strongly oppose bill SB 3122 SD2, HD2

From: mailinglist@capitol.hawaii.gov  
Sent: Saturday, March 29, 2014 8:37 PM  
To: FINTestimony  
Cc: daigoro@hawaii.rr.com  
Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/29/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Darryl	Individual	Oppose	No

Comments: Aloha, Please do not allow residential development makai of Ala Moana Blvd. This law was put in place many years ago by persons with great fore site who wished to protect some land in town from being developed. If allowed to pass this would set a profound precedence for major development of all of Hawaii's shoreline. I frequently surf, swim, and bike in the Ala Moana, Kakaako area and would be devastated if more open public space would be lost. Thank You Very Much. Darryl Nordstrom

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finance1

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From: Jennifer Chiwa <bjcmd808@gmail.com>  
Sent: Saturday, March 29, 2014 11:54 AM  
To: FINTestimony  
Subject: Testimony in Support of SB 3122 SD2 HD2 for 4/01/14 2:00 pm Hearing

Aloha, Members of the Committee on Finance. Please support SB 3122 SD2 HD2 as this bill, to my understanding, would enable OHA to fully develop its properties, and, thereby, provide substantial revenue to fund community programs. These programs would help OHA in its mission to work for the betterment of the conditions of the Hawaiian people. Mahalo.

Jennifer Chiwa

## finance1

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**From:** Vai Auva'a <pauvaa@gmail.com>  
**Sent:** Saturday, March 29, 2014 1:57 PM  
**To:** FINTestimony  
**Cc:** Sen. Brian Taniguchi; Rep. Isaac W. Choy  
**Subject:** Support SB3122

As a native son of Samoa, I have been surprised to see the reaction by non-Hawaiians to OHA's efforts to seek revenue generating options on Hawaiian lands in Kakaako (as I understand the lands were originally alii lands that were eventually sold or traded to the Territory or State). I do not know of any organization that spent more resources—time and money—fighting for appropriate access in Hawaii. Thus to suggest that OHA will develop projects that block off access to the ocean ignores OHA's 30 plus year fight for appropriate access to the shoreline. In my professional career I work with young challenged juveniles, the majority of which are Native Hawaiian that come from challenged families (drug abuse, poverty, health, parents in jail, etc.). I hope OHA seeks responsible revenue generating opportunities to address many of the challenges facing kanaka maoli, the first people of this 'aina.

I hope you will support SB3122.

Mahalo,  
Resident of House District 23 & Senate District 11

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**"O le upega tautau, 'ae fagota."**

If at first you don't succeed try, try and try again.



**finance1**

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**From:** Hanalei Y. Aipoalani <haipoalani@yahoo.com>  
**Sent:** Saturday, March 29, 2014 10:21 AM  
**To:** FINTestimony  
**Subject:** Support SB3122, SD2, HD2

Dear Honorable Chair Luke, Vice Chairs, and Members of the House Finance Committee:

Aloha no!

I am writing to express support of SB3122, RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

SB3122 seeks to authorize residential development by OHA on specified parcels in Kakaako Makai subject to public hearing, HCDA approval, and association fees to fund services and projects. The bill, if enacted, will also exempt related development projects from public facilities dedication requirement.

Given that it is OHA's intent to fully develop their Kaka'ako Makai properties in order to provide a strong revenue stream to fund community-based programs and work towards improving the conditions of Native Hawaiians today and tomorrow, **I write to urge your support and passage of SB3122, SD2, HD2.**

Mahalo nui loa,

Hanalei

Mr. Hanalei Y. Aipoalani, Ph.D., MBA  
Native Hawaiian, Beneficiary of OHA and HHC  
Private Citizen  
89-308 Mokiawe Street  
Waianae, Hawaii 96792

Testimony of Jonathan Ching

SB3122 SD2 HD2  
Relating to the Hawai'i Community Development Authority  
House Committee on Finance

Tuesday, April 1, 2014, 2:00 p.m.  
Capitol, Room 308

Aloha Chair Luke, Vice-Chair Nishimoto, Vice-Chair Johanson, and Members of the House Committee on Finance,

‘O Jonathan Makana Ching ko‘u inoa. I am a Native Hawaiian testifying in a personal capacity in **STRONG SUPPORT** of SB3122 SD2 HD2, which authorizes residential development on certain specified parcels owned by the Office of Hawaiian Affairs (OHA) as well as requiring applicants for residential development in Kaka‘ako to hold a public hearing prior to submitting a plan or proposal to the Hawai‘i Community Development Authority (HCDA).

I am avid recreational surfer who regularly surfs at the Point to Marineland, all of which are located off of Kewalo Basin Park. Locals love surfing at Kewalo amidst the hustle and bustle of Honolulu and Waikīkī because it does not have the crowds like Waikīkī and other more crowded beaches. As a Native Hawaiian, I believe that if allowed to develop residential properties along Kaka‘ako Makai, OHA will respect the interest of local surfers and fishermen who want access to the beach for their friends and families.

OHA’s 2012 settlement for the Kaka‘ako Makai properties was the result of negotiations between the State of Hawai‘i and OHA over past claims for OHA’s pro-rata share of the public land trust revenue. However, the parcels as currently zoned do not allow OHA’s properties to adequately fulfill their maximum potential. SB3122 SD2 HD2 would allow OHA to fulfill its vision of converting Kaka‘ako into a place for Hawaiians as well as the people of Hawai‘i. I believe OHA understands the needs of Hawaiians and locals alike and will strive to not only maintain, but also increase public access to the ocean and shoreline for those practicing traditional and customary rights as well as for those seeking leisure and recreation.

I support SB3122 SD2 HD2 because allowing OHA to fully maximize the potential of its properties in Kaka‘ako Makai will have a direct impact on OHA’s beneficiaries, especially young Native Hawaiians like myself. I was fortunate enough to receive a scholarship while in college, which was funded primarily by an OHA grant. Had it not been for this scholarship, I would have had to incur more debt and loans. The revenue generated from the development of Kaka‘ako Makai will allow OHA to continue supporting Native Hawaiians dreams of higher education and entrepreneurship.

I support this proposal because I believe that OHA will truly approach development of these lands responsibly. I encourage this committee to please join me in supporting OHA and SB3122 SD2 HD2.



**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 30, 2014 6:20 PM  
**To:** FINTestimony  
**Cc:** athurston@irmt.org  
**Subject:** \*Submitted testimony for SB3122 on Apr 1, 2014 14:00PM\*

**SB3122**

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Anne Thurston	Individual	Oppose	No

Comments:

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**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 8:34 AM  
**To:** FINTestimony  
**Cc:** alihilani@hawaii.rr.com  
**Subject:** \*Submitted testimony for SB3122 on Apr 1, 2014 14:00PM\*

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dickie Nelson	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 8:33 AM  
**To:** FINTestimony  
**Cc:** kaimomuhlestein@yahoo.com  
**Subject:** \*Submitted testimony for SB3122 on Apr 1, 2014 14:00PM\*

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kaimo Muhlestein	Individual	Support	No

Comments:

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finance1

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 31, 2014 8:32 AM  
To: FINTestimony  
Cc: kaimookalani@gmail.com  
Subject: \*Submitted testimony for SB3122 on Apr 1, 2014 14:00PM\*

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
T. Kahuehuokalani Kealoha	Individual	Support	No

Comments:

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## finance8-Danyl

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**From:** Donovan Kealoha <dkealoha@gmail.com>  
**Sent:** Monday, March 31, 2014 9:24 AM  
**To:** FINTestimony  
**Cc:** Sen. David Ige  
**Subject:** Support SB3122

My name is Donovan Kealoha. I live in Pearl City, 96782. **I support SB3122.**

Aloha,

Donavan  
@d\_kealoha  
808-341-2466



## finance8-Danyl

---

**From:** Craig Jerome <cwjerome@gmail.com>  
**Sent:** Monday, March 31, 2014 8:55 AM  
**To:** FINTestimony  
**Subject:** Testimony in strong opposition to SB 3122 SD2, HD2

I submit this testimony in strong opposition to SB 3122 SD2, HD2 and to any other bill that would allow residential development in Kakaako Makai. The people spoke when the law banning residential development in the area was passed, and our voices have not changed.

Mahalo,  
Craig Jerome

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 30, 2014 4:39 PM  
**To:** FINTestimony  
**Cc:** tkaleod@gmail.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Travis Dudoit	Individual	Support	No

Comments: I support Hawaiians being able to do what they want on their own land.

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## finance8-Danyl

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**From:** bonisvi@aol.com  
**Sent:** Monday, March 31, 2014 9:10 AM  
**To:** FINTestimony  
**Subject:** Testimony in strong opposition to SB 3122 SD2, HD2

Aloha,

THIS IS ALL ABOUT KEEPING KAKA`AKO MAKAI FOR THE PUBLIC AS THE LAW NOW MAINTAINS... THAT HAS NOT CHANGED SINCE THE LAW WAS PASSED AND THE WILL OF THE PEOPLE TO KEEP IT THAT WAY IS STILL STRONG.

From registered Hawaii Voter,

Toshi Takata

tel: 393-0151

## finance1

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**From:** Carol Macadangdang <carolsmacadangdang@gmail.com>  
**Sent:** Sunday, March 30, 2014 9:04 PM  
**To:** FINTestimony  
**Cc:** Rep. Scott Nishimoto; Sen. Les Ihara, Jr.  
**Subject:** SB3122 Testimony

Hi,

My name is Carol Macadangdang and I am writing in strong support of SB3122. Although I am not Native Hawaiian, I believe that the state and its people have an obligation to allow them to make decisions for themselves and move towards self governance. The state has said over and over that they support their self governance, and along with that includes an expectation that they will be making decisions that the state will have to respect. It is offensive to hear the non-Hawaiians opponents telling Native Hawaiians what to do, especially about to how to manage their lands.

Representative Nishimoto - I really appreciate your visit to our house the other week. In my 57 years I have never had a legislator knock on my door. I can tell that you are interested in really understanding the needs of our community. I hope you will consider supporting SB3122.

Thank you,  
Carol

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 9:28 AM  
**To:** FINTestimony  
**Cc:** lynnehi@aol.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
lynne matusow	Individual	Oppose	No

Comments: Please accept this testimony in strong opposition to SB3122. This is a travesty. The community fought long and hard to stop residential development in Kaka'ako makai. OHA cut a deal with the state to get the land. It should have known at that time that residential development was not permitted. It should have realized that its income potential would be reduced because of that requirement. If it was not happy with that, it should have worked for a different deal. Now, OHA is crying foul. They are the ones to blame. This land is not for housing, period. And the legislature should not reverse its position of several years ago. If it does, there is one clear message--the Legislature cannot be trusted, it goes back on its word. To let OHA and the HCDA hold hearings before any permission is granted. Who are you kidding? The HCDA should be abolished, it CANNOT BE TRUSTED. It grants whatever applicants want, without listening to the residents and the rest of the community. This bill is a total give away and does not represent proper development plans. I recently watched news reports of a big demonstration of various organizations opposed to development in Kaka'ako makai. While OHA trustee Peter Apo was on camera saying that the first ones to object to bad development are the OHA beneficiaries, he clearly is not listening to the demonstrators, many of them OHA beneficiaries, who were speaking on camera against this travesty. Please kill this bill now. lynne matusow 60 n. beretania, #1804 honolulu 96817

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 8:28 AM  
**To:** FINTestimony  
**Cc:** ikepono@hotmail.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Isaiah Kala Kaaihue	Individual	Support	No

Comments: Strongly support SB3122

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 8:11 AM  
**To:** FINTestimony  
**Cc:** deannikaido@gmail.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dean Nikaido	Individual	Support	No

Comments: I am a surfer, body-boarder, and frequent Kewalo's and Point Panic. I do not understand people's opposition that says OHA will block the shoreline and access for surfers. From what I have seen, it is OHA that has fought for fair access to public trust resources like water beaches and shorelines, and fought to conserve our lands to practice traditional and customary rights. Allowing OHA to build residential development on certain lots in Kakaako does not block this public access. OHA's plan to develop Hawaiian lands that are just empty lots and vacant buildings in disrepair into money-making ways to support programs, while also leading effort to conserve land for other uses is prudent development and wise investment to preserve the trust resources of the native Hawaiians. This type of development combats urban sprawl, preserves access to other green spaces, and allows OHA the revenue to upkeep the vast majority of other lands they have for conservation and cultural uses. I am very discouraged to hear blanket statements advertised on Surf News Network and when you call the surf report garnering support and spreading incorrect information. When I researched what was really being requested, I was upset at the mis-characterization of this as an issue for access. My Grandmother was actually born in Kewalos on family property, though it was originally al'i lands. I think it is disrespectful for others not to remember that this is Hawaiian land, and native Hawaiians know how to develop and manage our land.

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 31, 2014 7:05 AM  
To: FINTestimony  
Cc: rkorph@gmail.com  
Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ron Okamura	Individual	Oppose	No

Comments: Please preserve Kaka'ako Makai with no residential housing. Create the possibility to have OHA consider alternatives such as land swaps, cash in lieu, or re-open settlement negotiations. Strongly oppose SB3122,SD2,HD2.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 12:03 AM  
**To:** FINTestimony  
**Cc:** bsuzui@msn.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bryan Suzui	Individual	Oppose	No

Comments: Dear Chair Luke, Vice Chair Nishimoto, and Committee Members, Please preserve the last remaining area of waterfront lands in urban Honolulu, for all of Hawaii's people to enjoy. Thank you for the opportunity to express my heartfelt request.

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 31, 2014 12:31 AM  
To: FINTestimony  
Cc: leiofaloha@yahoo.com  
Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Julie Nishimura	Individual	Oppose	No

Comments: Please allow all of Hawaii's people to continue to enjoy the beautiful waterfront lands of Kaka'ako Makai, without restricted shoreline access. Thank you for your consideration.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 6:37 AM  
**To:** FINTestimony  
**Cc:** daneknish@yahoo.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Daniel Nishimura	Individual	Oppose	No

Comments: I oppose this bill

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 30, 2014 6:42 PM  
**To:** FINTestimony  
**Cc:** ttravis12@mac.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thomas Travis	Individual	Oppose	No

Comments: I oppose this bill. Residential development in Kakaako Makai was banned in 2006 by the legislature after citizen protested against a proposal to construct several 200- foot condo towers I. This bill undoes that ban. The legislature should be strengthening community voice, not bypassing it through new bills. I ask that you vote against this bill.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 30, 2014 9:11 PM  
**To:** FINTestimony  
**Cc:** erwayd001@hawaii.rr.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marjorie &/or Duane Erway	Individual	Oppose	No

Comments: This kind of "special legislation" is not good for the State. Didn't you learn from the Superferry case that legislation benefitting just one entity (like OHA) is UNConstitutional? Besides that major first problem, it eliminates open space and will restrict open access to the ocean. OHA understood the residential restrictions when they accepted the Kakaako Makai property and have no right to try to change the law now. Please stand strong against this!! Your vote will be watched. Mahalo for your consideration.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 30, 2014 4:41 PM  
**To:** FINTestimony  
**Cc:** kaohua001@gmail.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Louise K. Lucas	Individual	Support	No

Comments: I support OHA and their plans for responsible development in Kaka'ako Makai.

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**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 7:41 AM  
**To:** FINTestimony  
**Cc:** lottj001@hawaii.rr.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
JONATHAN LOTT	Individual	Oppose	No

Comments: Please uphold the commitment to prevent residential development in Kaka'ako Makai. At the very least, keep the heights limited to low-rise levels. Mahalo

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From: mailinglist@capitol.hawaii.gov  
Sent: Sunday, March 30, 2014 8:39 PM  
To: FINTestimony  
Cc: paulakomarajr@yahoo.com  
Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paul A. komara, Jr.	Individual	Oppose	No

Comments: I oppose this Bill 3122 in any and all of its forms. I oppose developing on the last vestige of open space in the Honolulu area.

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## finance1

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**From:** Leona Roberts <nonidolphin@yahoo.com>  
**Sent:** Monday, March 31, 2014 12:24 AM  
**To:** FINTestimony  
**Subject:** Testimony in strong opposition to SB 3122 SD2, HD2

Aloha,

The people of Hawaii need open spaces and shoreline, not more development.

Unless you are involved purely from a moneymaking standpoint and don't truly love Hawaii, you will understand what I mean.

Undeveloped land must be nurtured and protected for all to enjoy now and in the future, not sold to the highest bidder.

Sincerely,

Leona "Noni" Roberts

31 Puako Beach Dr

Kamuela, HI 96743

(808) 769-0785

Hawaii State Bodysurfing Association FBI (from Big Island)

"Stoke Stories" from a bodysurfer's perspective

## finance1

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**From:** Bonnie Nakamura <nakamurabonnie@gmail.com>  
**Sent:** Monday, March 31, 2014 6:30 AM  
**To:** FINTestimony  
**Subject:** Testimony in stronoposition to SB 3122 SD2, HD2

No to SB 3122 SDS, HD2. Malama pono.

## finance1

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**From:** Jasmine Kaulananapua <jkaulananapua@gmail.com>  
**Sent:** Sunday, March 30, 2014 8:50 PM  
**To:** FINTestimony  
**Cc:** Sen. Michelle Kidani; Rep. Beth Fukumoto  
**Subject:** Support for SB3122

Aloha Mai,

My name is Jasmine Kaulananapua Crabbe and along with my extended family, I am a lifelong resident of Mililani. My father is a graduate of the first graduating class of Mililani High School and my son will be the fourth generation of our family to be raised in this community. I am emailing in support of SB3122.

I believe your approval of SB3122 will represent the legislature's commitment to Native Hawaiians and respect for Native Hawaiians ability to make decisions to move our people into the future.

Mahalo Nui,  
Jasmine

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 30, 2014 9:38 PM  
**To:** FINTestimony  
**Cc:** autumnrose2010@yahoo.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wynnie Hee	Individual	Oppose	No

Comments: Oppose SB 3122 SD2 HD2 because: It overturns the current prohibition of residential development in Kakaako Makai, allowing OHA "to realize the maximum income" if developed for residential use. It allows OHA to "convey," i.e., to sell, the 3 parcels of public land identified in the bill to "third parties" to develop residential condos. It is "special legislation," meaning that under this bill only OHA can develop residential condos. The Hawaii Supreme Court found in the Hawaii Superferry case that legislation benefiting just one entity is unconstitutional. Thus, if requested, HCDA, who oversees Kakaako Makai in zoning and planning, would have to allow residential development on all land parcels. It exempts OHA from the requirement of dedication of land or facilities for public facilities as a condition of development. (HRS 206E-12) It raises the height limit for 2 of the 3 parcels, from 200 feet to 400 feet. It allows residential development adjacent to Kakaako Waterfront Park, one of the last strips of open space and parkland with public access to the shoreline along the urban Honolulu coastline. It eliminates open space, which will be needed for the anticipated 30,000+ residents in the 30 new high-rise towers proposed for Kakaako mauka of Ala Moana Boulevard. Residential development will restrict open access to shoreline fishing, diving and popular body boarding and surf sites as well as a waterfront promenade, picnic areas, and significant panoramic views. OHA knew of the residential restrictions when they accepted the Kakaako Makai property as settlement but now want to change the law in order to develop 4 or 5 condo towers. In 2006, when legislators prohibited residential development in Kakaako Makai, with only 1 lawmaker in each chamber opposing, it was evident that the legislature had spoken.

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finance1

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From: Shereen Goto <hiconnect@hawaiiantel.net>  
Sent: Monday, March 31, 2014 3:36 AM  
To: FINTestimony  
Subject: Testimony in strong opposition to SB 3122 SD2, HD2

Committee on Finance  
Representative Sylvia Luke, Chair  
Tuesday, April 1, 2014  
2 p.m.  
Room 308  
State Capitol

Dear Chair Luke and Members of the Committee on Finance,

I write in strong opposition to SB 3122, SD2, HD2. Please vote no to residential development in Kaka`ako Makai. Please do not allow an exception to the current state law which protects Kaka`ako Makai from residential development and which we fought so hard to see enacted. This law exists to protect urban Honolulu's last oceanfront land for the greater good, benefiting not just a few, but *all* of Hawaii's people.

Sincerely,

Shereen Goto  
Nuuanu

## finance1

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**From:** Lila Gardner <lgard@hawaiiantel.net>  
**Sent:** Sunday, March 30, 2014 11:10 PM  
**To:** FINTestimony  
**Subject:** Testimony in strong opposition to SB 3122 SD2, HD2

To: Committee on Finance, Rep. Sylvia Luke, Chair, Tues. Apr. 1, 2014, 2 pm  
Room 308, State Capitol

I strongly urge you to oppose SB3122 SD2, HD2 --- OHA needs to come up with a responsible development plan which is inclusive of the people of Kaka'ako --- and gives consideration to open spaces, supports the current law banning more residential development in this area -- and recognizes the impact of climate change on the shoreline in the coming years.

Sincerely, Lila Gardner, resident of Makiki, member of Outdoor Circle, Manoa Branch

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 8:37 AM  
**To:** FINTestimony  
**Cc:** dejamarie@gmail.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Deja	Individual	Support	No

Comments: I know that our legislature cares most about ensuring business investment stays in our community. I hope you will **STRONGLY SUPPORT** SB3122, which keeps residential development revenue in our community. Please don't allow development projects across the street that benefit an international corporation (Howard Hughes) that could care less about keeping revenue in our state, yet not support development and revenue generation that will remain in our community and help those most vulnerable. Thank you for your strong support of legislation allows for development in support of community projects rather than only private international corporations.

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COMMITTEE ON FINANCE

TUESDAY, APRIL 1, 2014  
2:00 PM  
CONFERENCE ROOM 308

PERSONAL TESTIMONY FROM BENTON KEALII PANG, PH.D.  
IN **SUPPORT** FOR  
SB 3122  
RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY

ALOHA NŌ CHAIR SYLVIA LUKE, VICE CHAIR SCOTT NISHIMOTO, VICE CHAIR AARON JOHANSON,  
AND COMMITTEE MEMBERS

My name is Benton Kealii Pang. I am a biologist with the U.S. Fish and Wildlife Service, current Chair of the Forest Stewardship Committee and Chair of the Clean Water and Natural Lands Commission. And since 2009, I have been a board member of the AOA for NineONine Kapiolani. Please excuse my absence from being physically present at today 's hearing as I am judging the 57th Hawai'i State Science and Engineering Fair.

I offer my personal testimony in support of Senate Bill 3122. I run in Kaka 'ako makai at least three times a week for exercise and enjoy the open green space. I often see people relaxing in Kaka 'ako Waterfront Park and witness ocean users appreciating the south shore waters. We are blessed to have a wonderful piece of reclaimed land for public use.

After reading the Office of Hawaiian Affairs 's (OHA) Kaka'ako Makai policy (2012) and recent amendments to this bill, I feel assured that the future development of the parcels OHA owns will be planned with an abundance of public input, will protect Hawaiian cultural traditions, enhance public access, and protect, in perpetuity, vital programs for our native Hawaiian communities. Furthermore, I agree with the recent Opinion piece in Pacific Business News which urges support for SB3122 for two reasons: 1) it's unfair for the State to negotiate a payout to OHA of land valued at more than \$200 Million and then not allow OHA to maximize the value of that land, and 2) it seems imprudent to rush in vertical development of condos in Kaka 'ako Mauka without including Kaka 'ako Makai.

As a native Hawaiian and recreational user of Ka 'akako Makai, and a condo owner in Kaka 'ako Mauka, I welcome OHA's plans for our future.

Mahalo for your time and consideration.

ALOHA 'ĀINA,

BENTON KEALII PANG, PH.D.  
909 KAPIOLANI BLVD, RM 3205  
HONOLULU, HAWAII 96816



March 30, 2014

TO: House Committee on Finance

SUBJECT: Testimony in Opposition to SB 3122 SD2, HD2

Dear Committee Members,

**I strongly oppose SB 3122**. There is overwhelming public anger at OHA's effort to skirt existing State Law by acquiring a variance by means of SB 3122 so they can develop condominium projects on the Kaka'ako coastal area. If the State allows this kind of "variance law" to pass, then the original law prohibiting this kind of activity in Kaka'ako and the Kewalo Basin area will become useless to protect Hawaii's future generations from over-development.

The land OHA is trying to develop is precious and needs to be protected from development; there should be **no residential development on the makai side of Ala Moana Boulevard** nor should there be any buildings over current existing heights for commercial, private or other uses.

I am adamantly opposed to SB 3122; as our representatives who are guardians of Honolulu's future, I hope you feel the same way.

Mahalo Nui Loa,



AL Frenzel  
84-933 Alahele St.  
Waianae, HI 96792  
(808) 343-4916

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 30, 2014 6:42 PM  
**To:** FINTestimony  
**Cc:** dfcunha808@gmail.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/30/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Danielle Cunha	Individual	Support	No

Comments: Aloha Committee members, I am writing to you in support of SB3122. As a Native Hawaiian, I feel that it is in the best interest of the Office of Hawaiian Affairs to make decisions regarding use of lands in their jurisdiction. This includes residential development in the Kakaako Makai area. OHA is not a money hungry corporation looking to make a bunch of money and take it out of the state. By the contrary, they seek to find a healthy balance by maintaining public access, preventing overdevelopment and the misuse of lands, and yet appropriately and responsibly developing lands to benefit (rightfully so), and further the educational, cultural, and overall plight of Native Hawaiians. I trust that OHA will act responsibly and in the best interest of groups who seek to maintain access to the waterfront areas. Please vote in favor of bill SB3122. Mahalo, Danielle Cunha

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From: Kanekoa K. C. Crabbe <kanekoa78@hotmail.com>  
Sent: Monday, March 31, 2014 1:40 AM  
To: FINTestimony  
Subject: Testimony in strong opposition to SB 3122 SD2, HD2

To Representative Luke:


My name is Kanekoa Crabbe and I am in strong opposition to SB3122 for numerous reasons. Since 2009, I have been the director of the Pure Point Panic Bodysurfing event and in 2010, I was nominated to become the Vice-Chairperson of the Kaka'ako Makai Community Planning Advisory Council. I became involved with these two community service opportunities because I LOVE POINT PANIC!!! Point Panic, located on the ewa side of the Kewalo Basin harbor channel, is considered to be one of the best waves on the South Shore of Oahu and the best bodysurfing wave in the world. My father began riding waves there during the late 1960's and I continue to ride the waves there whenever the swell arrive. On a large south swell, seeing and riding the waves at Point Panic is one of the most beautiful things located in all of Kai Mamala Bay.

I am strongly opposed to SB3122 primarily because of the negative impacts it will have to the natural environment found upon the land within Kaka'ako Makai and the ocean water quality surrounding Kaka'ako Makai. I am not sure what you know about this area but I want you to understand that this entire piece of land located Makai of Ala Moana Boulevard is a Tsunami inundation zone and ALL of this area will be severely negatively impacted by the next tidal wave, hurricane or earthquake. If you are aware of the fact that we will be experiencing an increased amount and a stronger magnitude of natural disasters in the future (meaning the next 50 years), then you know Waikiki, Ala Moana and Kaka'ako Makai will soon experience this plight.

The illusion of this area being "safe" from mother nature is a real fact. The land of Kaka'ako Makai is primarily sand, silt and mud. During the 1900's it was filled with various types of rock and man-made waste to "stabilize" this area for various uses. Both Ala Moana & Waikiki have experienced the same impact. What separates Kaka'ako Makai from Ala Moana and Waikiki is that Kaka'ako Makai has no offshore barrier reef. The reef that once existed was actually killed by being filled in by the State of Hawaii since 1959. Because there is no barrier reef, whatever the Pacific Ocean delivers to the south shore of Oahu via a hurricane, tidal wave, rising sea levels and storm surges, Kaka'ako Makai has absolutely no protection from mother nature. I have mentioned this obvious fact for years to UH Manoa in regards to JABSOM and the Cancer Research Center, OHA in regards to their Master Planning efforts and the HCDA regarding their approval of the Japanese Wedding Chapel at the former John Dominis restaurant location and their relentless proposals for extensive residential and commercial developments. Not once has my concern been recognized by any member of these organizations.

Similar to the individuals representing these organizations, I expect you to do the same and ignore the obvious fact that this entire area between Honolulu harbor and Kewalo basin maybe underwater soon. It is not a matter of if, because this phenomenon will happen. Many of the people I've spoken to gamble with the fact that "when" is not anytime soon. Their ignorance and/or lack of environmental education is quite obvious.

I humbly ask you to look at the big picture in regards to this issue. Passing this bill will put both millions of dollars and innocent lives at stake. You may think I "assume" the worst and I may be jumping to conclusions extremely fast. But similar to the two tidal waves that hit Hilo during the mid 1900's, are we smart enough to look back at the past and learn from it? Or will we be like the foolish man who built his house upon the sand or mud and believe that nothing will happen and everything will be fine? If you want a better understanding of

this area, feel free to contact me via email or at (808)443-6026  (808)443-6026. I have an extensive knowledge of this area and I can confidently say that I know more about the natural environment of Kaka'ako Makai than any person affiliated with OHA, HCDA, UH-Manoa, the State of Hawaii and Kamehameha Schools. I can show and tell you, in person, everything you need to know about this area including its ancient and modern history, where the former natural river once flowed, where the freshwater springs were located, what type of sea life thrived here then and now, what is the current condition of this area and if you're willing to hear what I have to say, a viable solution to all of the negative impacts placed on this area and a way to alleviate all the contention Kaka'ako Makai has cause the people of Hawaii and throughout the world.

Thank you very much for your time. When all is said and done and Kaka'ako Makai is taken back by mother nature, I will have the memory of Point Panic deeply embedded in my head. I just hope and pray lives will not be lost, millions of dollars will not be wasted and the land and ocean of Kaka'ako Makai will not be permanently damaged so that future generations will be able to learn, benefit from and gather together in a land that was once a beautiful and special place located between Honolulu and Waikiki.

Aloha!

Kanekoa K.C. Crabbe

Aloha, my name is Kathryn J. Keala and I live in House District 23. I support Sb3122. This latest version of Senate Bill 3122 that will loosen the HCDA stranglehold on Kaka`ako Makai parcels conveyed to the Office of Hawaiian Affairs (OHA) in 2012 by the State of Hawaii to settle long standing claims.

This bill exempts OHA from the residential development restrictions on specific parcels in order to fully realize the value of their lands. Once developed, these parcels will provide a significant source of income to support OHA's constitutional and statutory mandates to better the conditions of the Hawaiian and Native Hawaiian people.

I sincerely hope that the requirements for public hearings, the assessment of fees and the funds established for various public services and projects in Kaka`ako will alleviate some of the opposition to OHA's plans.

Thank you for the opportunity to support this bill.

Contact: [keala2121@yahoo.com](mailto:keala2121@yahoo.com)

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 10:52 AM  
**To:** FINTestimony  
**Cc:** leilark@hawaii.edu  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Leila Kaaekuahiwi	Individual	Support	No

Comments: Aloha, My name is Hoku Ka'aekuahiwi and I live in Senate District 11 and House District 24 and I supprt SB3122. Mahalo nui.

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## finance1

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**From:** Peter Apo <peterapocompany@gmail.com>  
**Sent:** Monday, March 31, 2014 10:57 AM  
**To:** FINTestimony  
**Subject:** Strong Support SB3122 SD2 HD2

I write in strong support of SB3122. As a former law maker and current OHA Trustee, I have been appalled to hear a small group of self-described conservationists talk about their “long” history of fighting for the preservation of access, view planes, and what they feel is “pono” for the Kaka‘ako community.

Kaka‘ako, which historically referred to a much smaller area than what we today call Kaka‘ako, like every community in Hawai‘i, has deep roots in Native Hawaiian history. Traditionally, the “Kaka‘ako” area was a thriving sustainable community rich in resources and culture. However over time the traditional area and resources were demolished to make way for commercial activities. We see this same story in traditional communities across Ka Pae ‘Āina Hawai‘i.

I hope that you will consider the history of injustice in Hawai‘i for Native Hawaiians which our people have been struggling with for the last TWO HUNDRED years when considering the NINE year history of OHA’s opponents in Kaka‘ako.

As you know in the late 18<sup>th</sup> century, the introduction of western diseases decimated the Native Hawaiian population from nearly a million to 10-20% of original population. Decades later after foreign pressures and threats to other Pacific Island nations, Hawai‘i shifted to a private property system and cash-based economy, which had devastating impacts on the remaining Native Hawaiian population and their lifestyle. Many Native Hawaiians moved to the cities for work, ceasing to exercise traditional and customary practices such as gathering, fishing, cultivating, etc. Coupled with subsequent land laws, the transition to private property system and dramatic land use changes (massive theft of land and water for plantations), ultimately helped to displace Native Hawaiians from the ‘āina. Then in 1893, a group of foreign business men overthrew our Queen with the assistance of the U.S. military. As you also know, at that time MILLIONS of acres that belong to the Native Hawaiian people, were stolen and eventually transferred to the State of Hawai‘i. Statehood further displaced Native Hawaiians from the ‘āina through massive waves of development, when prime lands for agriculture, traditional and customary practices, and sacred sites were demolished for large housing developments, second homes for the rich, and large resorts. Only a handful of rural Hawaiian communities survived the onslaught of post-statehood development.

Understanding this HISTORY in context with the situation we find the Native Hawaiian people in today—at or near the bottom of nearly every health, education, and income indicator—you may recall why the people of Hawai‘i created OHA. OHA was created to address these horrible statistics and most importantly to be a stepping stone towards true self-determination for Native Hawaiians.

In 2012 when the State transferred the Kaka‘ako lands to OHA, it did so with an understanding that these lands will eventually be managed by and transferred to a Native Hawaiian Governing Entity. It is dangerous trend and reversal of the legislative direction of Native Hawaiian self-determination, to allow the management of the small amount of land we currently own to be decided by non-Hawaiians. What is the point in supporting the restoration of a governing entity if we cannot control or be trusted to make pono decisions on the fate of our land base? I hope it is clear that the misinformation and lies being spread by our opponents is an attempt by non-Hawaiians to control Hawaiian lands—no more, no less.

I hope that you will join us on the right side of history and support SB3122, which will allow Native Hawaiians, who have been the experts in protecting the ‘āina for countless generations, to make decisions on how to manage our lands. With the Legislature's continued support, Kaka‘ako can help us turn the tide in remedying Hawai‘i’s living legacies of injustice and return Native Hawaiians and our culture to Kaka‘ako.

--

The Peter Apo Company  
98-021 Kamehameha Highway, Suite 212  
Aiea, Hawai'i 96701  
Phone: 808-256-6191  
Email: [peterapocompany@gmail.com](mailto:peterapocompany@gmail.com)  
[www.peterapocompany.com](http://www.peterapocompany.com)  
[www.peterapomusic.com](http://www.peterapomusic.com)



**finance8-Danyl**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 11:13 AM  
**To:** FINTestimony  
**Cc:** kamakane73@gmail.com  
**Subject:** \*Submitted testimony for SB3122 on Apr 1, 2014 14:00PM\*

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kama Hopkins	Individual	Support	No

Comments:

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1288 Kapiolani Blvd, Apt 1905  
Honolulu, Hawai'i 96814

March 31, 2014

LEGISLATIVE TESTIMONY  
IN SUPPORT OF  
**SB3122, S.D. 2, H.D. 2, RELATING TO HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY**

Hearing, Tuesday, April 1, 2014, 2:00 p.m., Room 308

Rep. Sylvia Luke, Chair  
Rep. Scott Y. Nishimoto, Vice Chair  
Rep. Aaron Ling Johanson, Vice Chair  
Members, Committee on Finance

Aloha mai kākou

I am writing in **support** of SB3122 SD2 HD2. Among its provisions, it authorizes residential development in certain specified parcels of land owned by the Office of Hawaiian Affairs in Kaka'ako. I am a resident of Kaka'ako and have many friends in the canoe and surfing community. Although I am old now, I have roots in those communities as a young adult and former Miss Makaha.

I say these things so that you may know that this has not been an easy issue for me. Hawaiians have always been about protecting the 'aina and sea and I have been before you to give testimony on such issues.

While I respect the concerns of the Kaka'ako residents who wish to keep the makai views, ocean access and open spaces accessible to the public and free from further development, I support this bill.

OHA is not advocating for residential development on all of the parcels it owns, only three parcels. They have no intention to develop residential units along the Kewalo waterfront. In making this decision, OHA has given due consideration to the voices of Kaka'ako residents, as well as to the voices of its beneficiaries whose expectations are that OHA develop these lands to derive its fullest economic value, a fiduciary responsibility it has.

Thriving development on the Kaka'ako lands will generate income to better address their statutory responsibility to improve the conditions of Native Hawaiians. **Unlike other developers whose profits are for their benefit, OHA's profits are for the well-being of the Native Hawaiian community.** Often, others in the community are positively impacted by the residual impact of OHA's programs and services.

Accordingly, allowing development by OHA in the Kaka‘ako lands belonging to it was always envisioned by the legislature as indicated in the committee reports on SB2783 that resulted in OHA receiving the Kaka‘ako lands. The requirement for public hearings on any plan or proposal for any residential development in Kaka‘ako prior to submission of the plan or proposal to the HCDA is reasonable and allows a forum for the public and OHA beneficiaries to voice any concerns for their consideration.

Mahalo for this opportunity to testify. Please support SB3122 SD2 HD2.

Respectfully

/s/ Leimomi Khan by on-line testimony

LEIMOMI KHAN

From: Tricia Arneson <arneson.tricia@gmail.com>  
Sent: Monday, March 31, 2014 11:39 AM  
To: FINTestimony  
Subject: Please SUPPORT SB3122

Aloha mai,

My name is Tricia Arneson. I'm Native Hawaiian and my family is from Pearl City. I write in SUPPORT of SB3122.

I am currently employed by WorleyParsons managing a large scale upstream oil project, so I am intimately familiar with the kinds of things developers consider as they plan, design, and construct major projects and the profitability assessments that motivate it all.

OHA is not your typical developer. OHA is the constitutionally established state agency responsible for protecting and promoting the rights of Native Hawaiians. OHA does this by providing resources and advocating for Native Hawaiians. They are not putting money in the bank accounts of corporate shareholders. They are contributing to the health and prosperity of Hawaii. This distinguishes OHA from other developers who only have their personal profits in mind. The state should support this type of development.

I support SB3122 and humbly request you to do the same.

Mahalo nui,

Tricia Arneson

## finance1

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**From:** Kamaile Maldonado <kamaile.maldonado@gmail.com>  
**Sent:** Monday, March 31, 2014 11:50 AM  
**To:** FINTestimony  
**Subject:** Please SUPPORT SB3122!!

Aloha mai,

My name is Kamaile Maldonado. I am Native Hawaiian, I currently reside in Kalihi, and I write in support of SB3122.

OHA seeks to help build a new community in Kaka'ako. It's not just a place owned by Hawaiians. It will be a place for Hawaiians. The metropolitan center of Honolulu has been vastly and rapidly developed over the past few decades with highrises and luxury hotels and shopping centers that make Hawai'i look like the high end of any other big city to attract people from elsewhere. Native Hawaiians walk around in our own land and don't recognize ourselves in anything. OHA wants to make a space where Native Hawaiian culture and stewardship values drive the design and use. Even if some of the residences may be purchased by non-locals, generating revenue on some of their parcels will allow them to create a place for Native Hawaiians where our culture and lifestyles can be nurtured. Native Hawaiians need more places like this so we can continue calling and recognizing Hawai'i as home.

Please support SB3122.

Aloha,  
Kamaile M. Maldonado

From: Giselle <giselle.anne.santana@gmail.com>  
Sent: Monday, March 31, 2014 12:14 PM  
To: FINTestimony  
Subject: Support SB3122

Aloha kakou,

My name is Giselle-Anne Kawaileleli'ili'ikukunaokala Santana. I am Native Hawaiian, and on behalf of me and my family who reside in Kamehameha Heights, I write in **support** of SB3122.

The Hawaiian community has many issues facing them (drug abuse, poor health, poverty, houselessness, etc) and OHA should be able to generate the funds needed to address these issues. OHA's development of Kaka'ako will provide the funding to expand and continue its community grants which helps the big issues facing Native Hawaiians.

Please support Hawaiian self-sufficiency. **Support SB3122.**

Mahalo,  
Giselle-Anne K. Santana

**finance8-Danyl**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 12:13 PM  
**To:** FINTestimony  
**Cc:** rob@surfbeyond.com  
**Subject:** \*Submitted testimony for SB3122 on Apr 1, 2014 14:00PM\*

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Barreca	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 31, 2014 12:32 PM  
To: FINTestimony  
Cc: Everett.ohta@gmail.com  
Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Everett Ohta	Individual	Support	No

Comments: Aloha, my name is Everett Ohta. I live in Makiki, House District 24, and I SUPPORT SB3122. In 2012, several parcels within Kaka`ako Makai were transferred to the Office of Hawaiian Affairs to settle past-due revenues from the State's use of public lands. These lands, in the middle of the urban corridor of Honolulu and bounded on all three sides by current, under-construction, or planned high-rise buildings, are key to revenue generation that will help realize the mission of OHA--to improve the conditions of Native Hawaiians.

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**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 12:51 PM  
**To:** FINTestimony  
**Cc:** keely@nellamediaigroup.com  
**Subject:** \*Submitted testimony for SB3122 on Apr 1, 2014 14:00PM\*

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Keely Bruns	Individual	Oppose	No

Comments:

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**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 12:39 PM  
**To:** FINTestimony  
**Cc:** dakatz@aol.com  
**Subject:** \*Submitted testimony for SB3122 on Apr 1, 2014 14:00PM\*

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Godfrey	Individual	Support	No

Comments:

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**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 12:38 PM  
**To:** FINTestimony  
**Cc:** kapinapalacat@gmail.com  
**Subject:** \*Submitted testimony for SB3122 on Apr 1, 2014 14:00PM\*

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kapina	Individual	Support	No

Comments:

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**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 1:12 PM  
**To:** FINTestimony  
**Cc:** aycockburr@aol.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Virginia Aycock	Individual	Oppose	No

Comments: Please do not pass this bill. It becomes more and more transparent that the HCDA approval process on Kaka'ako development is a smoke and mirrors game without any real attention being paid to residents input. Please vote NO.

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From: Renwick V.I. Tassill <puuhonua2@gmail.com>  
Sent: Monday, March 31, 2014 1:23 PM  
To: FINTestimony  
Subject: SB3122 IN SUPPORT

Luke , Sylvia (D)  
Hawaii State Capitol, Room 306  
Phone 808-586-6200  
Fax 808-586-6201  
E-Mail: [repluke@capitol.hawaii.gov](mailto:repluke@capitol.hawaii.gov)

Renwick V. I. “Uncle Joe” Tassill  
41-209 Ilauhole St. #55  
Waimanalo, Hawai`i 96795  
Phone: 808 664-6901 (h) 808 285-4388 ©  
email: [puuhonua2@gmail.com](mailto:puuhonua2@gmail.com)

Aloha Chairwoman Sylvia Luke  
and the members of the House Finance committee. My  
name is Renwick Uncle Joe Tassill and I am in strog  
support of SB3122.

Because our state government had created the Office of Hawaiian Affairs at the Constitutional Convention of 1978 as the recognized office to address the affairs of the Hawaiian Community, I believe that it is their (OHA) along with the assistance, and not the resistances of the state government to work in collaboration to address the needs of that Hawaiian community.

In the early part of 2012 the executive of Hawaii granted OHA a part of the Kakaako area. This area was valued at two hundred million dollars and now we, the Hawaiian community through OHA, should this legislation not be passed, be given the opportunity to benefit by developing this area and generate revenue to further the efforts of the people it represents. If this is the case the area in question is not worth the paper it was written on when the executive signed the area over to the Office of Hawaiian Affairs. Should this bill SB3122 not gain passage, I say the action taken by the executive is mute and the value of the land is zero.

I thank you for allowing the opportunity to express myself at this an important time in the history of the state legislative history and the history of the Hawaiian People.

Mahalo

Uncle Joe

Sent from my iPad

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 1:39 PM  
**To:** FINTestimony  
**Cc:** ralpheburr@aol.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ralph E. Burr	Individual	Oppose	No

Comments: Please do not pass this bill. It becomes more and more transparent that the HCDA approval process on Kaka'ako development is a smoke and mirrors game without any real attention being paid to residents input. Please vote NO.

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## finance1

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**From:** Jordan Medeiros <ryuu84@gmail.com>  
**Sent:** Monday, March 31, 2014 1:44 PM  
**To:** FINTestimony  
**Subject:** Please SUPPORT SB3122

Aloha,

My name is Jordan Medeiros, I live in Kalihi, and I SUPPORT SB3122.

Kaka'ako lands are part of a settlement that OHA accepted for an overdue revenue that the State of Hawaii owed to Kanaka Maoli, after the state held control of them for over 100 years. Now that these Kaka'ako lands have been designated to benefit Kanaka Maoli, and it is the responsibility of everyone to create a substantial revenue to contribute to the betterment of the lāhui.

But our betterment of Kaka'ako should not stop there. I believe OHA's goal for Kaka'ako is not just for Kanaka Maoli to own it, but also to develop into a place vibrant with culture and art, allowing the Kanaka Maoli not only to enjoy their land, but to thrive off of it. Honolulu has been developed so much over the past few decades, with little to no Kanaka Maoli input, and our culture is quickly fading much like our bloodlines. It seems we are a working class in our homelands, rarely part of owning and managing places of wealth.

Most developers only care about their bottom line and how much money they can put into their own pockets. However, OHA is not like most developers because they are responsible for protecting and promoting the rights of Kanaka Maoli, and therefore are obligated to use the revenue generated to improve conditions of Kanaka Maoli by providing resources, advocating for Native Hawaiian rights and causes, and facilitating collaboration among key stakeholders.

OHA desires to use Kaka'ako as a place where Kanaka Maoli values can be cultivated and perpetuated. Places like these are needed in order for Kanaka Maoli to preserve what we call home, and that is why SB3122 should receive the full support of the Senate.

Mahalo,

Jordan Medeiros

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 1:54 PM  
**To:** FINTestimony  
**Cc:** mattdunl@gmail.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Matthew Dunlap	Individual	Comments Only	No

Comments: I oppose SB3122 because I feel that residential construction in Kakaako Makai turns a tremendous public asset(though one that is yet to be fully developed and appreciated) into a public blight. Residential construction on or near the last remaining undevel oped waterfront land in Honolulu effectively locks it away from the people of Hawaii in perpetuity. While one may reason that a condo or two in Kakaako Makai will not immediately threaten the access to open space or beach access, it will only take one exception to the law prohibiting residential construction for the stampede to begin. Next will be Kamehameha Schools Bishop Estate, and Alexander and Baldwin, and Howard Hughes, and Andy Anderson, etc. - whose lawyers will present reasons why they they too sho uld be allowed to build condos in Kakaako Makai. One only need to look across the street to Kakaako Mauka to see the frenzy that awaits if SB3122 were to pass. As much as I may sympathize with OHA's right to maximize their investment, I cannot support SB31 22 because there will be a long line of organizations with claims to develop that property closer to its "highest and best use", a misnomer if ever there was one. As someone who has worked on the point at Kewalo Basin Park for the last 12 years, and as someone who exercises, surfs, and recreates pretty much daily at places like Kewalo Basin Park, Ala Moana Beach Park, or Kapiolani Park, I can assure you that the concrete canyons of hotels and condos stretching from Kapiolani Park to Ala Moana Beach Park are far from the highest and best use for the average citizen of Hawaii. Constructed without planning, these towers are packed too densely. They get taller and taller the closer they are to the ocean, and serve as impediments to the public resources that many citizens would like to enjoy - a walk on the ocean with a view of the sea, a free place to park and go for a surf, a place to have a picnic with the family; these are the things that make Hawaii livable for many of its citizens. Hawaii has a very strong tradition of protecting beach access and public beach parks statewide. Let's not ruin that reputation with legislation like SB3122. We have a tremendous opportunity to do something special with the public lands in Kakaako Makai, with development that will benefit all of the citizens of Hawaii, not just a few speculators who are looking for a convenient place to park a couple of million dollars. Please vote NO on SB3122.

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## finance1

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**From:** Cade Watanabe <cadewatanabe@gmail.com>  
**Sent:** Monday, March 31, 2014 2:43 PM  
**To:** FINTestimony  
**Subject:** RE: SB3122

Aloha Chair Luke and Members:

My name is Cade Watanabe. I reside in Moiliili and I support SB 3122 which would allow the Office of Hawaiian Affairs to explore residential development on 3 inland parcels in Kaka'ako Makai.

SB 3122 would increase OHA 's capacity to directly support our local communities and address issues impacting Native Hawaiians and many others who call Hawai'i home.

While I have many concerns regarding development in the Kakaako district, I also believe that OHA - unlike other private land developers - can be held to a higher standard ensuring that the appropriate type of development, if any, gets built.

Thank you for your consideration,

Cade Watanabe

**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 3:24 PM  
**To:** FINTestimony  
**Cc:** haha@hawaii.rr.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Caroline Kong	Individual	Oppose	No

Comments: Residential development in Kakaako Makai was banned in 2006 by the legislature after massive citizen protests against an A&B proposal to construct several 200-foot condo towers there. HCDA law §206E-31.5...prohibits the authority (HCDA) from: (2) Approving any plan or proposal for any residential development in that portion of the Kakaako community development district makai of Ala Moana Boulevard and between Kewalo Basin and the foreign trade zone. In 2007 the legislature created the Kakaako Makai Community Planning Advisory Council (CPAC) made up of community members including native Hawaiians, created a series of guiding principles including: Establish Kakaako Makai as a gathering place where community and culture converge in response to the natural scenic beauty of the green shoreline open space. and Base the framework for planning, decision-making and implementation of the Kakaako Makai master plan on Native Hawaiian values and traditional and customary rights and practices protected by the State. An HCD A planning process (2006-2010) brought people together to guide the development of the Kakaako Waterfront for the benefit of not only the Kakaako community, but for all the people of Hawaii. (4/6/11 staff report) The result was a conceptual master plan for Kakaako Makai with 9 components, including Park expansion/enhancement and waterfront access, including parking and circulation. Oppose SB 3122 SD2 HD2 because: It overturns the current prohibition of residential development in Kakaako Makai, allowing OHA "to realize the maximum income" if developed for residential use. It allows OHA to "convey," i.e., to sell, the 3 parcels of public land identified in the bill to "third parties" to develop residential condos. It is "special legislation," meaning that under this bill only OHA can develop residential condos. The Hawaii Supreme Court found in the Hawaii Superferry case that legislation benefiting just one entity is unconstitutional. Thus, if requested, HCDA, who oversees Kakaako Makai in zoning and planning, would have to allow residential development on all land parcels. It exempts OHA from the requirement of dedication of land or facilities for public facilities as a condition of development. (HRS 206E-12) It raises the height limit for 2 of the 3 parcels, from 200 feet to 400 feet. It allows residential development adjacent to Kakaako Waterfront Park, one of the last strips of open space and parkland with public access to the shoreline along the urban Honolulu coastline. It eliminates open space, which will be needed for the anticipated 30,000+ residents in the 30 new high-rise towers proposed for Kakaako mauka of Ala Moana Boulevard. Residential development will restrict open access to shoreline fishing, diving and popular body boarding and surf sites as well as a waterfront promenade, picnic areas, and significant panoramic views. OHA knew of the residential restrictions when they accepted the Kakaako Makai property as settlement but now want to change the law in order to develop 4 or 5 condo towers. In 2006, when legislators prohibited residential

development in Kakaako Makai, with only 1 lawmaker in each chamber opposing, it was evident that the legislature had spoken. Are legislators' votes only good for 8 years? ~~~~~~ If the people lead, the leaders will follow Mahatma Gandhi

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**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 3:38 PM  
**To:** FINTestimony  
**Cc:** elmer.kaai@gmail.com  
**Subject:** \*Submitted testimony for SB3122 on Apr 1, 2014 14:00PM\*

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elmer Kaai	Individual	Support	No

Comments:

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**finance1**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 31, 2014 3:37 PM  
**To:** FINTestimony  
**Cc:** elmer.kaai@gmail.com  
**Subject:** Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dr. Trisha Kehaulani Watson	Individual	Support	Yes

Comments: [http://www.huffingtonpost.com/trisha-kehaulani-watson/silencing-native-voices-2\\_b\\_5032525.html?utm\\_hp\\_ref=fb&src=sp&comm\\_ref=false#sb=5384024b=facebook](http://www.huffingtonpost.com/trisha-kehaulani-watson/silencing-native-voices-2_b_5032525.html?utm_hp_ref=fb&src=sp&comm_ref=false#sb=5384024b=facebook)

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**Testimony of Leimana DaMate  
Aha Moku Advisory Committee**



Before the House Committee on  
FINANCE

Tuesday, April 1, 2014  
2:00 P.M.  
State Capitol, Conference Room 308

**In Support of  
S.B. 3122 SD2 HD2**

**RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY**

Senate Bill 3122 SD2 HD2 authorizes residential development by OHA on specified parcels in Kakaako Makai subject to public hearing, Hawaii Community Development Authority (HCDA) approval, and association fees to fund services and projects. The Bill exempts development from public facilities dedication requirement.

The Aha Moku Advisory Committee (AMAC) is a strong supporter of the Office of Hawaiian Affairs. We firmly believe that they have the best interests of the Hawaiian people as their priority and have worked diligently to fulfill their mandate for protecting and promoting the rights of Native Hawaiians.

Finally, after years of striving, OHA is now in the position of having property where they can house beneficiaries. Their ability to fully develop their property would also provide a durable revenue stream to fund community-based programs that would improve the conditions of Hawaiians now and in the future.

As a stalwart Hawaiian landowner, OHA has committed to develop Kakaako Makai lands with an emphasis on its cultural priorities.

We urge you to pass S.B. 3122 SD2 HD2. Thank you for the opportunity to testify on this important measure.

Respectfully yours,

Leimana DaMate, Executive Director  
Aha Moku Advisory Committee  
Phone: 808-372-9638



finance1

---

From: Joda Derrickson <jodaderr@gmail.com>  
Sent: Monday, March 31, 2014 7:51 PM  
To: FINTestimony  
Subject: I support SB3122



Aloha,

I was born in raised in Hawaii and currently live in Kailua.

Native Hawaiians deserve the authority to develop lands in Kakaako Makai has a part of their \$20 million settlement.

Please do what is fair to Native Hawaiians.

Mahalo,

Joda Derrickson



From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, April 01, 2014 7:30 AM  
To: FINTestimony  
Cc: kaulu100@hotmail.com  
Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 4/1/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
KOALANI KAULUKUKUI	Individual	Support	No

Comments: Please support Native Hawaiian self-determination by voting for this bill. And please ensure it is effective upon passage, not in 2050. OHA should decide how to use its lands, particularly lands OHA accepted from the state in exchange for a debt owed to Hawaiians for over thirty years. Mahalo for your support.

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**LATE**

From: Mel Worthington <makahamele@gmail.com>  
Sent: Monday, March 31, 2014 3:49 PM  
To: FINTestimony  
Subject: Wai'anae Hawaiian Civic Club P.O. Box 687 - Wai'anae, HI 96792

Rep Sylvia Luke, Chair; Rep. Scott Y. Nishimoto, Vice Chair, Rep. Aaron Ling Johanson, Vice Chair and Members on Finance:

As Pelekikena (President) of the Wai'anae Hawaiian Civic Club - 77 members strong - we pledge our support of SB3122, H.D. 2, Relating to Hawaii Community Development Authority. Hearing, Tuesday, April 1, 2014, 2:00pm, Room 308.

There is no question that OHA who speaks for the Hawaiian people should have the support of you - our Hawaii State Representatives - because it is the fair and just thing to do. There are so many words that you can listen to and read - and as the testimony spins its web - I can only believe that this important request for passing - will not fall on deaf ears.

Mahalo for this opportunity to testify in support of SB3122SD2HD2. Mele Kawelo Worthington, WHCC Pelekikena

TESTIMONY IN SUPPORT OF HOUSE BILL 3122  
Related to the Hawaii Community Development Authority  
April 1, 2014



House Committee on Finance  
Chair Sylvia Luke  
Vice-Chairs Nishimoto and Johanson and all members of the Committee:

I am in strong support of SB 3122. OHA accepted these lands as a settlement for over 30 years of past-due payments for the use, the VERY profitable use, of lands in the public trust by the State of Hawaii. It is obvious that the land valued at \$200 million is not worth that much in its current state. The only way for the land to come close to that valuation is to build SOME residential structures. The state needs to uphold its end of the deal on this matter, otherwise this issue is going to end up tied up in the courts because legislators AGAIN failed to do what was promised.

Rather than impede on OHA's plans, the State should afford OHA the opportunity to show the entire state what responsible development looks like. After observing the testimony throughout this process and the disclosures made by OHA, I am confident that their plans will only help to breathe life into those parcels of land at Kakaako makai that were created from dredged waste from other parts of the island. Please support the passage of this measure.

Davis Price  
Makiki mauka resident

**LATE**

From: Kalsie Holt <kalsieh@gmail.com>  
Sent: Monday, March 31, 2014 4:19 PM  
To: FINTestimony  
Subject: SUPPORT SB3122

Aloha,

My name is Kalsie Holt. My family is from and still resides in 'Ewa Beach and I currently reside in Makiki. I am Native Hawaiian and I strongly support SB3122.

As part of the Kakaako settlement OHA received the lands to gain money that was owed to Hawaiians for decades. OHA needs to maximize the value and revenue production of this property because that's why it was given the lands in the first place. The legislature knew that at the time of the original settlement, the entitlements were being considered. To generate the money it should have gotten instead of the land, OHA needs to be able to consider residential development.

Please SUPPORT SB3122.

Mahalo,  
Kalsie Holt  
Native Hawaiian, resident of Makiki

**LATE**

March 31, 2014

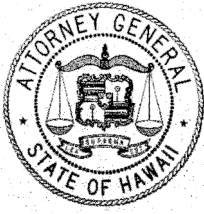
Aloha Kakou,

My name is Laura Hokunani Edmunds Kaakua and I live in Senate District 9 and House District 18 and I support SB3122.

The Office of Hawaiian Affairs has been a steadfast advocate for the preservation of cultural and natural resources. OHA has reviewed and provided critical comments on development projects throughout Hawaii to educate developers on the natural and cultural resources on and around their property, or on resources that are likely to be found on their property based on Hawaiian history and practice. OHA understands the impacts of irresponsible development, and how important it is to protect the natural and cultural resources of and around a property slated for development. Knowing that the preservation of natural and cultural resources will be of utmost priority for OHA, OHA should be allowed to realize full economic benefits from its Kakaako Makai lands.

Mahalo for the opportunity to testify,

Laura Kaakua



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SEVENTH LEGISLATURE, 2014**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 3122, S.D. 2, H.D. 2, RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

**BEFORE THE:**

HOUSE COMMITTEE ON FINANCE

**LATE**

**DATE:** Tuesday, April 1, 2014

**TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 308

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Charleen M. Aina, Deputy Attorney General  
Lori N. Tanigawa, Deputy Attorney General

---

Chair Luke and Members of the Committee:

The Attorney General neither supports nor opposes passage of this bill but offers the following comments because the Department of the Attorney General has concerns that this bill could be challenged as special legislation and violative of article XI, section 5, of the State Constitution if passed.

The purpose of this bill is to increase the revenue generation potential of three of the nine parcels of land at Kakaako Makai that were transferred to the Office of Hawaiian Affairs (OHA) by Act 15, Session Laws of Hawaii 2012, and enhance OHA's ability to satisfy the State's and its responsibility under article XII, sections 4 and 6, of the State Constitution, to better the conditions of native Hawaiians by raising the permissible building height limit for two of the three parcels to 400 feet, and allowing all three parcels to be developed for residential use. Specifically, the bill amends the laws relating to the management of Kakaako Makai by (1) raising the maximum building height for two of the three parcels to 400 feet, and allowing the the Hawaii Community Development Authority (HCDA) to consider applications to develop the three parcels for residential use; (2) exempting the developers of the three parcels from HCDA's rules requiring developers to dedicate land, facilities, or cash for public facilities as a condition to development; (3) requiring HCDA to collect a Kakaako Makai Association fee from the owners of residential units developed on the three parcels; and (4) establishing a special account in the HCDA revolving fund into which the association fees HCDA collects are deposited to fund various public services and projects in the Kakaako Makai area.

A purpose section has been added to the bill to minimize against a challenge that this bill is special legislation and is thus violative of article XI, section 5, of the State Constitution because it excepts three of the parcels of land that the Legislature transferred to OHA by Act 15, from Kakaako Makai's residential development zoning restriction. Article XI, section 5, of the State Constitution provides:

The legislative power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws, except in respect to transfers to or for the use of the State, or a political subdivision, or any department or agency thereof.

(Emphasis added.) Section 1 makes clear that this bill's purpose is to increase OHA's ability to use some of the lands transferred to it by Act 15 to fulfill OHA's constitutional responsibility to better the conditions of native Hawaiians. Except to correct the first full paragraph on page 3 of the H.D.2, to read as follows, the provisions of section 1 of S.B. No. 3122, S.D. 2, H.D. 2 should not be changed:

Particularly pertinent to the purpose of this Act, the legislature further declared that "[t]he Properties conveyed by this Act shall be deemed income and proceeds from the public land trust, as if the Properties had been paid out of the income and proceeds from the public land trust pursuant to article XII, section 6 of the State Constitution," see section 6 of Act 15, and "[t]he office of Hawaiian affairs shall administer the Properties in accordance with its duties under the Hawaii Constitution and as provided by law," see section 2 of Act 15."

Finally, to confirm that the \$200,000,000 valuation for the nine parcels of land transferred to OHA by Act 15, in 2012, was mutually attributed to them by OHA and the Governor, based on their respective experts' valuation of the parcels for commercial use only, attached to this testimony is a highlighted copy of Act 15, see Attachment 1, and a copy of the last report OHA's expert prepared regarding the respective fee simple values he and the State's expert respectively attributed to the nine parcels (Lot 9 of Act 15 is comprised of Property Nos. 6(F) and 7(G) in the report), see Attachment 2.



finance1

**LATE**

From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 31, 2014 4:08 PM  
To: FINTestimony  
Cc: kaliko08@gmail.com  
Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Donna K Santos	Individual	Support	No

Comments: I am of Native Hawaiian ancestry from Kauai and I am in support of SB3122!!

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finance1

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Sent: Monday, March 31, 2014 4:47 PM  
To: FINTestimony  
Cc: koa\_wahine@yahoo.com  
Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**LATE**

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Aulii K George	Individual	Support	No

Comments: Support SB3122!

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:: Leanne Kealoha Fox ::

2<sup>nd</sup> Congressional District

House District: 39  
Senate District: 18

March 31, 2014

**LATE**

**SB3122 SD2 HD2**

**RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY.**

House Committee on Finance

Aloha a welina mai nei e nā alaka'i:

It is with great enthusiasm that I write testimony to **STRONGLY SUPPORT** SB3122 SD2 HD2 relating to establishing a Native Hawaiian Health Task Force.

In 1978 the people of Hawai'i voted to create the Office of Hawaiian Affairs to promote and protect the rights of Native Hawaiians, the first peoples of Hawai'i. Hawai'i's constitution established OHA's right to a pro rata portion of the public land trust, however, many issues relating to the fair allocation of the public land trust remained unresolved and disputed for nearly 30 years.

In 2012, OHA and the state agreed to settle the state's past due public land trust revenue debt by conveying to OHA 30 acres of land in Kaka'ako Makai, with an appraised land value of approximately \$200 million.

Accordingly, OHA is exploring all options to maximize our revenue generating opportunities to best serve our beneficiaries. As such, OHA is supporting SB3122 for the best interests of their beneficiaries. As one of those beneficiaries, I believe in the following:

**OHA's Commitment**

- OHA is not seeking to do anything along the Kewalo waterfront that is not currently allowed.
- OHA's Board of Trustees does not intend to develop residential uses along the Kewalo waterfront.

**OHA's Unique Role as a Developer**

- OHA has been fighting from its inception to support appropriate safeguards to ensure responsible development. OHA is on record as advocates of sustainable growth; the preservation of natural and cultural resources; and the perpetuation of traditional and customary practices.
- OHA understands better than any other developer the impacts of irresponsible development. Hawaiians have been victims and suffered most from the consequences of reckless development.
- OHA seeks to find the highest point at which the culturally rich use of our Kaka'ako Makai lands intersects with revenue generating use of the parcels.
- OHA is not seeking to do anything along the Kewalo waterfront that is not currently allowed. OHA's Board of Trustees does not intend to develop residential uses along the Kewalo waterfront. OHA is not seeking to do anything along the Kewalo waterfront that is not currently allowed.

I urge the committee to **PASS** SB3122 SD2 HD2

Respectfully, me ka `oia`i`o.

Letter of Support for SB3122 SD2 HD2

From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 31, 2014 5:11 PM  
To: FINTestimony  
Cc: ryjakr@gmail.com  
Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM



**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
George K. K. Wong	Individual	Support	No

Comments: I am not Hawaiian but my children are. They have benefitted as beneficiaries of OHA over the years. I believe that OHA needs to develop some of its parcels to generate revenue to continue to support their programs now and into the future. Please support them and the good work that they do not only for Hawaiians but for all people of Hawaii. Thank you.

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 31, 2014 5:08 PM  
To: FINTestimony  
Cc: kardeen.wong7@gmail.com  
Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kardeen Wong	Individual	Support	No

Comments: There are other construction projects in the area, like 801 South, for instance, which sends the message to Hawaiians that they are being treated unfairly, once again. What's the difference between KS developing/building and OHA developing/building? Please,let's be fair. Mahalo.

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To: FINTestimony  
Cc: deanandsue@gmail.com  
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**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Susan	Individual	Support	No

Comments:

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 Sent: Monday, March 31, 2014 5:30 PM  
 To: FINTestimony  
 Cc: thirr33@gmail.com  
 Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM  
 Attachments: SB 3122 HD2 HSCR 1157-14 OHA Land Development Makai Kakaako.gif

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Arvid Tadao Youngquist	1,978 "Conventional People"	Support	No

Comments: Chair, Rep. Sylvia Luke, House FIN Committee Vice Chairs, Representatives: Scott Y. Nishimoto & Aaron Ling Johanson (GOP Minority Leader) & the Right Honorable House FIN Committee Members- We support the original intent of the measure as introduced by the co-sponsors: Senators GALUTERIA, DELA CRUZ, HEE, KAHELE, KIDANI, SOLOMON, Baker, Espero, Kouchi, Nishihara, Shimabukuro, & Wakai. It is unfortunate that there is a substantial opposition now in the House side and in the testimonies, but that is unavoidable. Some of the opponents are suing the Executive Branch, OHA, HCDA and other entities in hopes of halting developments by OHA in the 6/10 parcels originally anticipated. If the Government entities here in Oahu is willing to grant exemptions to zoning and hight restrictions, and other considerations, then OHA should also be granted the same courtesies. For those of you who were excused absences on the House Floor, or were opposed in Committee(s), please re-consider and give OHA some benefit of the doubt. Prov ided that OHA and HCDA improve their transparency unilaterally and affirmatively, without trying to disregard community input and going full-speed ahead as if they were trying to stampede the Neighborhood and the Community, it is only fair that OHA and its beneficieries get the full benefit of the ceded land settlement for which they waited over time and in institutional memory, 30+ years! Recommend that this measure be adopted with minimal amendments and making impossible for both Chambers to Conference into a win-win legislation. One way of doing this would be to chose a reasonable "effective date" from the "defective date", i.e., 2015+ date up to 2016, in order to keep it real time. Mahalo for conducting this hearing on this matter. Arvid Tadao Youngquist founder, Administrator, & Spokesman

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Sent: Tuesday, April 01, 2014 8:47 AM  
To: FINTestimony  
Cc: waynetakamine@hawaii.rr.com  
Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 4/1/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Gayle Lau	Individual	Oppose	No

Comments: Aloha Chair Sylvia Luke and House Committee on Finance: Please accept this testimony in opposition to SB3122. The strongly supported law created in 2006 prohibiting residential development in Kaka'ako Makai and prohibiting the sale of state land in Kaka'ako should not be changed to allow residential development by OHA. Although the ceded land settlement bill in 2012 did not include any language to allow OHA residential development in Kaka'ako Makai, I would support OHA in seeking other options for further compensation to the 2012 ceded land settlement. Mahalo, Gayle Lau Honolulu

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**SB3122**

Submitted on: 4/1/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Justin Pulido	Individual	Oppose	No

Comments: Aloha Chair Sylvia Luke and House Committee on Finance: Please accept this testimony in opposition to SB3122. The strongly supported law created in 2006 prohibiting residential development in Kaka'ako Makai and prohibiting the sale of state land in Kaka'ako should not be changed to allow residential development by OHA. Although the ceded land settlement bill in 2012 did not include any language to allow OHA residential development in Kaka'ako Makai, I would support OHA in seeking other options for further compensation to the 2012 ceded land settlement. Mahalo, Justin Pulido Honolulu

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**SB3122**

Submitted on: 4/1/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Jaime Pulido	Individual	Oppose	No

Comments: Aloha Chair Sylvia Luke and House Committee on Finance: Please accept this testimony in opposition to SB3122. The strongly supported law created in 2006 prohibiting residential development in Kaka'ako Makai and prohibiting the sale of state land in Kaka'ako should not be changed to allow residential development by OHA. Although the ceded land settlement bill in 2012 did not include any language to allow OHA residential development in Kaka'ako Makai, I would support OHA in seeking other options for further compensation to the 2012 ceded land settlement. Mahalo, Jaime Pulido Honolulu

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**SB3122**

Submitted on: 4/1/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Betty Takamine	Individual	Oppose	No

Comments: Aloha Chair Sylvia Luke and House Committee on Finance: Please accept this testimony in opposition to SB3122. The strongly supported law created in 2006 prohibiting residential development in Kaka'ako Makai and prohibiting the sale of state land in Kaka'ako should not be changed to allow residential development by OHA. Although the ceded land settlement bill in 2012 did not include any language to allow OHA residential development in Kaka'ako Makai, I would support OHA in seeking other options for further compensation to the 2012 ceded land settlement. Mahalo, Betty Takamine Honolulu

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**SB3122**

Submitted on: 4/1/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Stephany Pulido	Individual	Oppose	No

Comments: Aloha Chair Sylvia Luke and House Committee on Finance: Please accept this testimony in opposition to SB3122. The strongly supported law created in 2006 prohibiting residential development in Kaka'ako Makai and prohibiting the sale of state land in Kaka'ako should not be changed to allow residential development by OHA. Although the ceded land settlement bill in 2012 did not include any language to allow OHA residential development in Kaka'ako Makai, I would support OHA in seeking other options for further compensation to the 2012 ceded land settlement. Mahalo, Stephany Pulido Honolulu

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Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 4/1/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Stanley Takamine	Individual	Oppose	No

Comments: Aloha Chair Sylvia Luke and House Committee on Finance: Please accept this testimony in opposition to SB3122. The strongly supported law created in 2006 prohibiting residential development in Kaka'ako Makai and prohibiting the sale of state land in Kaka'ako should not be changed to allow residential development by OHA. Although the ceded land settlement bill in 2012 did not include any language to allow OHA residential development in Kaka'ako Makai, I would support OHA in seeking other options for further compensation to the 2012 ceded land settlement. Mahalo, Stanley Takamine Honolulu

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Carolyn Kēhaunani Cachola  
91-1168 Kūhaimoana Place  
‘Ewa Beach, HI 96706



TESTIMONY IN SUPPORT OF SB3122  
Presented to the House Finance Committee  
Honorable Chair Sylvia Luke  
Honorable Vice Chair Aaron Ling Johanson  
Honorable House Finance Committee Members

Mahalo nui for the opportunity to offer testimony in **support** of SB3122.

The Office of Hawaiian Affairs should be allowed to engage in mixed-use develop of its Kaka‘ako Makai lands, including residential development on three of its inland parcels.

OHA’s own commitments are significant and should be considered favorably relative to SB3122:

1. OHA’s commitment to afford **ocean access** via an oceanside promenade demonstrates its Hawaiian values and interests in development that **will benefit our local community and visitor industry**.
2. OHA’s commitment to NOT engage in residential developments along the oceanside **will ensure that high-rise structures will NOT block ocean view planes**. That commitment further represents a **significant compromise** to address the concerns of SB3122 opponents.
3. OHA’s commitment to develop its lands in a manner that maintains a Hawaiian sense of place for locals and visitors to enjoy **will enhance the lands that OHA received in a poor state**.
4. OHA is seeking to engage in **limited residential develop** so that it can plan more cultural and lower-impact uses on other parcels creating a better overall **balanced development**.

Arguments opposing SB3122 are not well founded:

1. Opponents claim that ocean access will be blocked. This is patently false.
2. Opponents claim that killing SB3122 will ensure “open space” for the community to enjoy. For decades, the spaces were not “open” for the public to use and are not “open” today. Current zoning would allow OHA to develop on those parcels rather than forcing OHA to have the parcels “open” for the public. Significantly, allowing OHA to engage in limited residential development would afford OHA greater opportunity to truly create open spaces that the public can readily access.

3. Opponents demand that OHA create park spaces for more public enjoyment. Yet OHA received the parcel explicitly for the purpose of being able to generate revenue to serve its Native Hawaiian beneficiaries. The legislature did not engage in the 2012 settlement with OHA to burden OHA with the responsibility of creating open park spaces for the general public.
4. Opponents claim that it is not appropriate to change a 2006 law. However, laws are regularly changed as a normal process of the changing needs and context of our community. The 2012 Kaka`ako Makai settlement for past due public trust revenues owed to OHA represents such a change.

For all of the above reasons, I and my family strong urge you to pass SB3122. If the State Legislature hopes to honor its directive to OHA to improve the lives of its Native Hawaiian beneficiaries, then it must allow OHA the opportunity to develop resources to fulfill those responsibilities.

Respectfully submitted,

Carolyn Kehaunani Abad

**LATE**

From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 31, 2014 9:15 PM  
To: FINTestimony  
Cc: shannonkona@gmail.com  
Subject: \*Submitted testimony for SB3122 on Apr 1, 2014 14:00PM\*

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Oppose	No

Comments:

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March 31, 2014



Aloha House Committee on Finance,

I submit this written testimony in support of SB 3122 which would remove current residential restrictions on three properties (parcels E, I and G/F) – none of which are located on the waterfront – owned by the Office of Hawaiian Affairs (OHA) in Kakaako Makai.

OHA's outstanding track record of advocating and protecting traditional and customary access and traditional Hawaiian cultural practices for over 30 years can itself stand as testimony and serve as staunch assurance that any future development actions by the organization will certainly be in alignment with such values and with the larger community in mind.

A granting of necessary residential entitlements on said properties at this time will allow OHA to, within this lifetime, fulfill its fiduciary responsibility to its beneficiaries through generating appropriate revenue from the value given to said properties – revenue slated to fund needed programs and services that benefit Hawaiians and all of Hawaii.

Please allow for responsible residential development by OHA in Kaka'ako ma kai.

Me ka mahalo,

Kau'i N. Burgess

Committee on Finance  
Rep. Sylvia Luke, Chair  
Tuesday, April 1, 2014, @ 2PM  
Room 308, State Capitol

**LATE**

Aloha

I am writing to ask you to oppose any legislation that would allow residential development in Kakaako Makai, specifically SB 3122.

I want you to know that I am a voter whose family has been living in Pauoa for more than 70 years. I grew up in this area since I was a keiki and also like all of you I have seen the many changes both good and bad.

The Kakaako Makai/Kewalo Basin ocean front area is the last open park and open ocean front area in all of the Honolulu area. The Kakaako area serves thousands of people daily from not only from this district but also the surrounding areas of Kalihi, Manoa, Makiki, Kaimuki etc.

The current law, which restricts residential developments in Kakaako Makai, was passed in 2006. This law was passed to protect the area and to prevent it from becoming another Waikiki. To keep the spaces open as part of the Kakaako Master Plan. To make it "A Peoples Gathering Place".

The Office of Hawaiian Affairs (OHA) knew the "as is" value of the land and of the law restricting residential development prior to accepting the land deal. So as Stewards for the Hawaiian people OHA should have rejected the land deal instead of bargaining on the possibility that the laws would change in their favor. This debt payment should not be made at the expense of ALL the people of this State. OHA and Members of the Hawaiian Caucus in the Legislature want to change the law to benefit one racial demographic of our Island, whereas when the law was passed it was passed to benefit everyone of our State.

Passing this bill would essentially give OHA a monopoly on residential development on prime land in Honolulu and would set precedence for other developers to ask for exemptions in Kakaako Makai. If this bill is allowed to pass my recommendation is that we lift the ban entirely, remove the law that was enacted in 2006 and give all interested parties an opportunity to make a buck at the our expense.

Additionally the Senate Committee on Hawaiian Affairs has already deferred a similar measure (HB2554), which to me speaks loudly when a committee looking out for Hawaiian affairs cannot agree with the bill.

With the all of development happening in Kakaako when will we say enough is enough? Lets preserve what is left or should I say lets preserve isn't left, open space. Please oppose all legislation, in any form, to change the law in place that restricts residential development in Kakaako Makai.

Aloha, Darren Tanaka

**LATE**

From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 31, 2014 9:12 PM  
To: FINTestimony  
Cc: shannonkona@gmail.com  
Subject: \*Submitted testimony for SB3122 on Apr 1, 2014 14:00PM\*

**SB3122**

Submitted on: 3/31/2014

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Oppose	No

Comments:

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finance1

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, April 01, 2014 9:08 AM  
To: FINTestimony  
Cc: oshirokh@uw.edu  
Subject: \*Submitted testimony for SB3122 on Apr 1, 2014 14:00PM\*

**LATE**

**SB3122**

Submitted on: 4/1/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kelly Oshiro	Individual	Support	No

Comments:

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From: mililanicrowell . <mililanicrowell@gmail.com>  
Sent: Tuesday, April 01, 2014 7:49 AM  
To: FINTestimony  
Cc: Sen. Michelle Kidani  
Subject: I support SB3122



Aloha,

I am a resident of Mililani and I support SB3122.

- OHA has been fighting from its inception to support appropriate safeguards to ensure responsible development. We are on record as advocates of sustainable growth; the preservation of natural and cultural resources; and the perpetuation of traditional and customary practices.
- OHA understands better than any other developer the impacts of irresponsible development. Hawaiians have been victims and suffered most from the consequences of reckless development.
- OHA seeks to find the highest point at which the culturally rich use of our Kaka‘ako Makai lands intersects with revenue generating use of the parcels.
- OHA is not seeking to do anything along the Kewalo waterfront that is not currently allowed. OHA’s Board of Trustees does not intend to develop residential uses along the Kewalo waterfront. OHA is not seeking to do anything along the Kewalo waterfront that is not currently allowed.

Mahalo for supporting SB3122

Robert Crowell  
94-741 Meheula Parkway

From: Ernest Kimoto <ekimoto@hawaii.rr.com>  
Sent: Monday, March 31, 2014 9:47 PM  
To: FINTestimony  
Cc: Sen. Laura Thielen; Rep. Cynthia Thielen  
Subject: I Support Senate Bill 3122



Aloha Chair Luke and Vice Chairs Johanson and Nishimoto:

My name is Robert Kimoto, I live in Kailua, Oahu and I support Senate Bill 3122.

OHA should receive residential entitlements to allow it to be flexible in obtaining a meaningful revenue stream for Hawaiian beneficiaries. Allowing residential development on certain lands transferred to the office of Hawaiian affairs will allow OHA to continue to carry out the State's moral and legal responsibilities to address the historical injustices I experienced by Hawaiians in Kakaako makai.

Mahalo for this opportunity to submit my testimony.

finance1

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From: Thomas Pali <tpali@hawaii.edu>  
Sent: Tuesday, April 01, 2014 7:49 AM  
To: FINTestimony  
Cc: Rep. K. Mark Takai  
Subject: SB 3122



Aloha,

My name is Thomas Pali and I live in Aiea and attend the University of Hawaii. I **support** SB 3122.

Mahalo,  
Thomas Pali



finance1

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From: Tito Oriol <titooriol@gmail.com>  
Sent: Tuesday, April 01, 2014 7:42 AM  
To: FINTestimony  
Cc: Rep. K. Mark Takai  
Subject: SB 3122



My name is Tito Oriol and I live in Aiea. I support SB 3122.

From: Misti Oriol <misti.pali@gmail.com>  
Sent: Tuesday, April 01, 2014 7:35 AM  
To: FINTestimony  
Cc: Rep. K. Mark Takai  
Subject: SB3122



Aloha,

My name is Misti Oriol and I am a Grants Specialist at the Office of Hawaiian Affairs (OHA). I write to you today in support of SB3122. There are several reasons I support this bill. As a Grants Specialist, I have a unique perspective regarding the good work OHA does for the community. I came to work as a Grants Specialist at OHA after years of working at the university and in the non-profit sector. I received assistance from various Hawaiian programs and became the first in my family to obtain a college degree. Without such assistance, I may not be where I am today. I am truly grateful for programs that offer those with less opportunity the chance to improve their lives, as they surely have improved mine. It has always been my desire and--I believe, my kuleana--to "pay it forward." I worked for years in non-profits, helping Native Hawaiians, incarcerated individuals, and other low-income men and women to find jobs. I took the Grants Specialist job at OHA because I believed it would give me a chance to help more people and it really has.

To Native Hawaiians, mo'olelo, or stories, are an important part of our culture. As a Grants Specialist, I have the privilege of monitoring grants that OHA awards to ensure compliance with grants terms, but also to hear the mo'olelo of the people that we serve to assess the impact of the funding. I want to share a few of these mo'olelo with you so you can get a better understanding of the work OHA does. Please note that I am changing the names of those whose stories I am telling to protect their privacy.

At the Boys and Girls Club of Hawai'i on Kaua'i, which receives an OHA health grant, I met a young man named Aidan. Aidan is 9-years-old. Both of his parents work and are not eligible for financial assistance to send Aidan to after-school care at the A+ program. He goes to the Lihu'e Boys and Girls Club everyday and receives help with his homework, a healthy snack, and structured physical activities. I asked Aidan what he would do if there was no program for him to attend at the Boys and Girls Club and he responded, "I would sit outside the school until 4:00 when my dad gets off of work." Without funding from agencies like OHA, the Boys and Girls Club would not be able to offer nearly free after-school and intersession programs for children like Aidan.

Several weeks ago, I visited the offices of Native Nations Education Foundation in Hilo, which receives an OHA employment grant. I spoke to a young woman names Mandy who shared her story. Mandy got pregnant during her senior year of high school and decided to drop out. She has tried unsuccessfully to obtain her diploma in the three years since she had her baby. Mandy is one month away from completing her GED and has recently completed courses to become a Certified Nurse Aide. Mandy was able to get a job and is now able to provide for her family. Mandy shared that she never thought she could improve her situation after having a baby in high school but she is now closer to self-sufficiency, thanks to the assistance she received from the Native Nations Education Foundation, which is partially funded by the Office of Hawaiian Affairs.

I met the Kapono family at Helping Hands Hawai'i, who receives an OHA grant to provide housing stability services to Native Hawaiians. The family lived in Las Vegas for many years and both parents worked for the State of Nevada. About a year and a half ago, Mr. Kapono suffered a debilitating illness that required him to leave his job on disability, while he received extensive medical care. Mrs. Kapono was unable to work, care for

their three children and provide her husband the care he needed so the family moved back to Hawai'i so their extended family could help with Mr. Kaponono's care. To expedite the move, the family stayed with relatives until Mrs. Kaponono could find a job and they could move into a place of their own. While they were grateful for the help, they knew they needed to find a place of their own quickly because there were 12 people living in their aunt's three-bedroom home. While Mrs. Kaponono was able to find a job, mounting medical expenses for Mr. Kaponono and the cost of moving left them without enough savings to afford the deposit for a rental home. Through the housing stability program, the Kapononos were able to move into a rental home.

I can continue to tell many, many stories like these to illustrate the work OHA does. Allowing OHA to make residential use of some of its property in Kaka'ako Makai is the right thing to do not only because without the opportunity to generate such revenue, the "settlement" it received in the transfer of Kaka'ako Makai does not have the value of the debt that was owed, but also because it is the right thing to do for Hawai'i, which needs programs like the ones OHA supports in order to serve those in need.

It is for the beneficiaries OHA serves that I write this testimony. It is to advocate for those who benefit from the programs that are made possible by funding from OHA that I support SB 3122.

Thank you for reading these stories and for your support of SB 3122.

Mahalo,  
Misti Oriol

**LATE**

From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 31, 2014 7:45 PM  
To: FINTestimony  
Cc: crystalkpaul@yahoo.com  
Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Crystal Kia Paul	Individual	Support	No

Comments: Aloha Chair Luke and Vice Chairs Nishimoto and Johanson, I am in SUPPORT of allowing the Office of Hawaiian Affairs (aka OHA) to develop the property known as Kaka'ako Makai. When the state gave the property to OHA in lieu of monies owed, the revenue did not adequately cover the debt. The only way to reasonably retrieve this money is to do responsible development. The development would also create more jobs which will create more revenue for the State as well as OHA, which will benefit the Native Hawaiians. I believe this will be a win win situation for everyone. Please vote YES today. Mahalo for your time today. Respectfully submitted, Crystal Kia-Paul PO BOX 51192 Denton, Texas 76206

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**LATE**

From: COLLEEN CHOI <ctkchoi@yahoo.com>  
Sent: Tuesday, April 01, 2014 7:16 AM  
To: FINTestimony  
Cc: Sen. Clayton Hee; Rep. Richard Fale; Rep. Lauren Matsumoto  
Subject: SB3122

**I am in support of SB3122!**

**Please vote in favor of SB3122!**

You give the money makers all your support to develop the land and yet you tie the hands that need the support the most.

The Office of Hawaiian Affairs seeks to better the quality of life for the Hawaiian People.

*Ua Mau Ke Ea O Ka Aina I Ka Pono  
The Life of the Land is Perpetuated in Righteousness*

Lester & Colleen Choi  
Waialua, HI

finance1

**LATE**

From: Lawrence Sanoria <lehuasol@gmail.com>  
Sent: Monday, March 31, 2014 10:09 PM  
To: FINTestimony; Rep. Richard Onishi; Sen. Russell Ruderman  
Subject: SB3122

Aloha,

I am writing in support of SB3122 and I live in the Volcano area, district of Puna. As a native Hawaiian, I am constantly amazed at the amount of hurdles our people have to endure and overcome in order to allow us to thrive as a legitimate nation of people. It is not enough that we were robbed of our lands only to have a portion returned to us and not be allowed to use the land in an intelligent manner to provide housing for people which in turn would maintain a steady cash flow so as to insure that we are financially independent and not reliant on the State of Hawaii in order to continue programs to benefit the Hawaiian population. You, as legislators must see this as a way for us to perpetuate our culture as the bloodline becomes less and less pure with each passing generation. I humbly ask for your support for this bill so that we can realize our dream of becoming a whole nation with a unity of purpose. I believe we can do this with your help. Mahalo.

Lawrence Sanoria

**LATE**

From: mailinglist@capitol.hawaii.gov  
Sent: Monday, March 31, 2014 7:08 PM  
To: FINTestimony  
Cc: ostrowsk@hotmail.com  
Subject: \*Submitted testimony for SB3122 on Apr 1, 2014 14:00PM\*

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dean O	Individual	Support	No

Comments:

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finance1

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From: ukuukuuku@gmail.com <jeromey808@gmail.com>  
Sent: Tuesday, April 01, 2014 8:26 AM  
To: FINTestimony  
Cc: sengabbard@capitol.hawaii.gov; Rep. Ty Cullen  
Subject: SB3122 Support



Aloha mai e Honorable Representatives and Senator Gabbard:

My name is Jerome Yasuhara, I live in Ewa Beach and I support SB3122. Please do all that you can to pass this important piece of legislation. Mahalo piha.

Respectfully submitted,

Jerome Yasuhara

*Sent from my Verizon Wireless 4G LTE DROID*





From: mailinglist@capitol.hawaii.gov  
 Sent: Monday, March 31, 2014 6:14 PM  
 To: FINTestimony  
 Cc: joe96817@gmail.com  
 Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 3/31/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kuhio Lewis	Individual	Support	No

Comments: OHA's ability to generate revenues on its Kakaako Makai lands, which were transferred to OHA as a part of a long overdue public land trust revenue settlement, will allow OHA to continue to contribute to creating a healthy thriving Native Hawaiian community . I look forward to OHA fulfilling its vision to converting Kakaako into a place for Hawaiians and more importantly a Hawaiian place by balancing the needs of the Native Hawaiian and larger community with economic opportunities.

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**LATE**

From: Yahoo <gkm221@yahoo.com>  
Sent: Monday, March 31, 2014 6:54 PM  
To: FINTestimony  
Cc: Sen. David Ige; Sen. Donna Mercado Kim; Rep. K. Mark Takai  
Subject: Support for SB3122

Aloha mai kāua -

My name is Grant Keli'i Manikis and I currently reside in Aiea. I am in strong support of SB3122 as it will allow the Office of Hawaiian affairs to best utilize the parcels of land given to them in the settlement, for the betterment and support of the Hawaiian people.

Me ka ha'aha'a,  
Grant

Sent from my iPhone

finance1

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From: Kay <808dotter@gmail.com>  
Sent: Tuesday, April 01, 2014 7:38 AM  
To: FINTestimony  
Cc: Rep. Scott Saiki; Sen. Brickwood Galuteria; Rep. Della Belatti  
Subject: Support of SB 3122

**LATE**

Aloha,

My name is Kay Watanabe. I live in the Punahou area, strongly support SB 3122, and kindly ask you to also support OHA's Kaka'ako bill.

Mahalo nui loa for your consideration.

Respectfully,  
Kay

From: Shirley Okamoto <notacabal@yahoo.com>  
Sent: Tuesday, April 01, 2014 7:31 AM  
To: FINTestimony  
Subject: Support of Senate Bill 3122



Aloha Chairperson Luke and Vice Chairpersons Johanson and Nishimoto,

My name is Shirley Okamoto. I live in Honolulu and **I support SB3122.**

Allowing residential development on certain lands transferred to OHA is one mechanism for OHA to obtain a sustainable revenue stream to continue its mission to better the conditions of all Hawaiians. Please do not deny OHA this opportunity to carry out the State's legal and moral obligations and responsibilities to address the historical injustices committed against our beneficiaries for decades.

Mahalo nui loa for the opportunity to submit my testimony.

From: Ernest Kimoto <ekimoto@hawaii.rr.com>  
Sent: Monday, March 31, 2014 9:41 PM  
To: FINTestimony  
Cc: Sen. Laura Thielen; Rep. Cynthia Thielen  
Subject: Support of Senate Bill 3122



Aloha Chair Luke and Vice Chairs Johanson and Nishimoto:

My name is Ernest Kimoto, I live in Kailua, Oahu and I support Senate Bill 3122.

My earliest recollection of Kakaako makai are of county incinerators with smoke exiting the stacks 24-7, tuna packers, the fish auction, sodawater bottlers, body surfing at Point Panic and tenements.

Most vivid are my visits with my family my to my Kakaako ohana who were Hawaiian, Portuguese, Japanese and some I never was told of their ancestry. Most were associated with providing labor for the tuna fishing and light industry in that area but clearly negative disparities relating to the health, economic, housing, food security, educational, and environmental conditions particularly plagued the Native Hawaiians community.

OHA seeks residential entitlements to allow it to be flexible in obtaining a meaningful revenue stream for Hawaiian beneficiaries. Allowing residential development on certain lands transferred to the office of Hawaiian affairs will allow OHA to continue to carry out the State's moral and legal responsibilities to address the historical injustices I observed with my ohana in Kakaako makai.

Mahalo for this opportunity to submit my testimony.

finance1

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From: Leslyn Paleka <alakaipaleka@icloud.com>  
Sent: Tuesday, April 01, 2014 7:31 AM  
To: FINTestimony  
Subject: TESTIMONY SUBMISSION



Aloha my name is Leslyn Paleka, I live on the island of Maui.  
I am Native Hawaiian and I support SB3122. Please allow OHA to bring life to this land.  
Respectfully Submitted,  
Leslyn Paleka

Sent from my iPad

**LATE**

From: Leah Burrows-Nuuanu <wailaahia@gmail.com>  
Sent: Tuesday, April 01, 2014 9:19 AM  
To: FINTestimony  
Subject: SB3122 Support Removal of Restrictions of OHA Parcels in Kaka'ako Makai

Aloha My name is Leah Burrows-Nuuanu I am a resident of Moanalua, O'ahu. I support the passage of SB3122.

I is simply unfair that the State negotiated a payout to Native Hawaiians valued at \$200 million and then not allow OHA to maximize the value of the land. OHA hasn't started with a master plan, but eliminating the restrictions place on the land with help with the planning process.

Allowing OHA to develop these lands will ultimately help Native Hawaiians as a whole. OHA supports many programs the State falls short on. Education through scholarships and Charter School funding. OHA is at the forefront of compliance issues for iwi, water rights and public access.

The three inland parcels OHA plans to develop will not impede on the rights or access for users of the area. In fact, OHA wants to make Kaka'ako a cultural kipuka for Native Hawaiians. The bottom line is the State SETTLED a \$200 million dollar payout with these lands fully knowing OHA needed to develop them in order to realize the full value of the settlement.

It is a matter of fairness to Native Hawaiians. It is the State's duty to remove the restrictions.

Mahalo,

**LATE**

From: Keola <keolalindsey@live.com>  
Sent: Monday, March 31, 2014 10:26 PM  
To: FINTestimony  
Subject: Testimony for SB3122 SD2 HD2

Aloha Honorable Members of the Committee on Finance:

My name is Benjamin Keola Lindsey, a voter from the Island of Oahu. Please accept my strong support for SB3122 SD2 HD2.

If passed, this bill will allow for the option of limited residential development by the Office of Hawaiian Affairs (OHA) in Kaka'ako to be thoroughly analyzed. Should residential development on the identified OHA parcels become a reality, I am confident that it will serve as a paradigm for responsibility to the environment and full public disclosure, The resulting economic benefits could have a broad range positive impacts for generations to come. Strengthening the Hawaiian community strengthens the larger community that have the privilege of calling Hawaii our home.

I urge you to pass SB3122 SD2 HD2. Mahalo.



From: Lehua Lee Sanoria <flylehua@yahoo.com>  
Sent: Monday, March 31, 2014 9:53 PM  
To: FINTestimony  
Cc: Sen. Brian Taniguchi; Rep. Sylvia Luke  
Subject: Testimony - SB3122 Strong Support

Aloha Kakou,

My name is Lehua Itokazu, I am a resident of Makiki District and I am in strong support of SB3122.

The settlement between the State of Hawai'i and the Office of Hawaiian Affairs was to settle a past due debt owed to the Native Hawaiians. One of the purposes of this settlement is to allow OHA to generate revenue to provide programs and services to all Hawaiians. In order for OHA to fulfill this kuleana they are seeking specific entitlements to three parcels of land. This request is vital to ensure OHA the possibility to generate a \$200m revenue that the Kaka'ako Makai lands are appraised at.

OHA are stewards of the land, they advocate and protect our rights as Hawaiians. I have full confidence that OHA will malama this land and create and develop these parcels to best of their ability so that Native Hawaiians and all of Hawai'i can enjoy and be proud of.

I urge you to listen and to support SB3122 and the Office of Hawaiian Affairs.

Mahalo for your time,  
Lehua Itokazu



From: 00 beachside <beachside00@hotmail.com>  
Sent: Monday, March 31, 2014 8:48 PM  
To: FINTestimony  
Subject: Testimony in strong opposition to SB 3122 SD2, HD2

Aloha,

My name is Elwin Kaneshiro and lived on Oahu for 51 years.

For the last 39 years we were able enjoy what Kaka'ako Makai has to offer. We were able to see a lot of elderly, adults, teenagers, children, the mental retarded, the disable, organizations to support trouble teenagers and tourist enjoying the public beaches and parks that Kaka'ako Makai has to offer. Unfortunately there will be a hearing on Tuesday, April 1, 2014 at 2pm and a lot of people have to work. That is why we are writing to you.

Understanding that back in the 1970's there was a law in place that no development was suppose to happen in Kaka'ako Makai. Looking at what is happening today and what HCDA is doing, it is so sad. We really need to save what little is left for the future for all that is listed above and especially for the keiki's.

With due respect, we humbly ask for your support to stop the development of Kaka'aka Makai. Your support will truly be appreciated.

Mahalo,

v/r,

Elwin Kaneshiro  
[98-1759 Kaahumanu St. #B](#)  
[Aiea, Hawaii 96701](#)

**LATE**

From: Galen Santana <makaiola@gmail.com>  
Sent: Monday, March 31, 2014 8:36 PM  
To: FINTestimony  
Subject: Support SB3122

OHA has publicly stated that they do not intend on building residential on the oceanfront portion of their Kaka'ako parcels. Instead, OHA would prefer to create more and appropriate public access for the community to the oceanfront and the beloved Kewalo break. In doing so, OHA will be able to provide a safer public access to this area for the community to engage in water recreation and other activities.

I support OHA doing this and ask you to support SB3122.

Galen Santana, resident of Kalihi

finance8-Danyl

**LATE**

From: Wendy Luiz <luizwendy@gmail.com>  
Sent: Monday, March 31, 2014 8:28 PM  
To: FINTestimony  
Subject: SUPPORT SB3122

As part of a settlement for revenue that was owed to the Native Hawaiian people, OHA received Kaka'ako lands. OHA will use the money generated from a few residential buildings to better the lives of the Native Hawaiian community. I **support** these bills.

Thank you,  
Wendy Luiz  
Resident of Kalihi

**LATE**

From: Ashley Kapoi <ashleykapoi@yahoo.com>  
Sent: Monday, March 31, 2014 8:22 PM  
To: FINTestimony  
Subject: SUPPORT SB3122

Aloha Mai,

My name is Ashley Kuikawahulalihokuolani Kapoi. I am Native Hawaiian and I am writing in support of SB3122. OHA received this land as a part of a settlement for past-due revenue that the state owed Native Hawaiians for lands stolen from our Kingdom over 120 years ago. These, and other such lands, have benefited the state for the past 120 years. Now it is time for them to benefit the Hawaiian people. These lands, and the revenue they must bring to the Hawaiian community, represent the state's commitment to reconciling the historical injustices committed against the Native Hawaiian people. Mahalo, Ashley K. Kapoi Native Hawaiian and resident of Kapalama

**LATE**

From: Scotty Luiz-Kim <s.luizkim@gmail.com>  
Sent: Monday, March 31, 2014 8:17 PM  
To: FINTestimony  
Subject: SUPPORT SB3122

My name is Scotty Luiz Kim and I am Native Hawaiian. My family and I, who live in Kapalama, support SB3122. Over 120 years after the overthrow of our Kingdom and more than 30 years of lawsuits, legislation, and negotiation with the state over public land trust revenue, which is generated on lands that were stolen from the Hawaiian Kingdom after the illegal-United States aided-overthrow of our Queen Liliu'okalani, OHA finally received these Kaka'ako parcels as part of a \$200 million settlement. This is money that has been owed to Hawaiians for a long, long time. But we can't even get the \$200 million of worth out of the parcels without being able to develop residential on some of them. OHA needs to maximize the value and revenue production of this property because that is what the office was created to do for Native Hawaiians, and that's what it agreed to do on behalf of Native Hawaiians when it accepted this settlement from the state.

Please SUPPORT SB3122.

Mahalo.



200 North Vineyard Boulevard, A300  
Honolulu, HI 96817  
Ph: 808-587-7886  
Toll Free: 1-866-400-1116  
[www.hawaiiancommunity.net](http://www.hawaiiancommunity.net)

April 1, 2014

House Committee on Finance  
Conference Room 308  
April 1, 2014, 2pm

**LATE**

**RE: Support Testimony – SB 3122**

Aloha Chairperson Luke and Committee Members,

I am testifying in support of SB 3122, legislation that will create parity in Kakaako between Native Hawaiians and non-native peoples of Hawaii related to housing development for the people of Hawaii and for long-term economic self-sufficiency and opportunity.

My name is Jeff Gilbreath, Executive Director of Hawaiian Community Assets, a HUD-certified housing counseling agency and Native community development financial institution providing access to financial education and micro-loan products to assist low- and moderate-income communities achieve and sustain economic self-sufficiency with a particular focus on Native Hawaiians. Founded in 2000 our organization has served more than 13,000 individuals with free financial education since our inception, assisting 1115 low-income families secure or sustain housing across the state.

Our programs are rooted in a philosophy of kahua waiwai, or foundation of wealth, which views the home as the kahua, a stable foundation that provides for the sharing of spiritual, cultural, and social wealth of our families, their waiwai. This philosophy is manifest in a comprehensive service model that includes group education, individualized counseling, and match savings and micro-loans to assist low-income individuals and families move from the beach to the biggest investment in their life – a home.

It is from this perspective that we support SB 3122 and its companion bill HB 2554 as the first step in a long process to increase economic self-sufficiency and opportunity of the Native Hawaiian people by increasing access to social entrepreneurship, culturally-relevant commerce, and an upholding of values and principals of our host culture in the Kakaako Makai area. Without this legislation, the State would be unfairly excluding the Office of Hawaiian Affairs as a Native Hawaiian Trust from such economic opportunity.

In our experience, delivering financial education services and access to capital to both native and non-native Hawaii residents across the state, SB 3122 and its companion bill HB 2554 provides the opportunity for the Native Hawaiian people to have a say in their own destiny and gives them a chance to develop their ancestral lands on their own terms, rooted in their own culture, and to not only promote their own self-sufficiency, but support the self-sufficiency of all Hawaii residents.

Hawaii's history – and the history of the world - has proven time and time again that economic self-sufficiency and economic opportunity are not achieved by excluding individuals or populations from a process that others enjoy freely. In fact, exclusionary practices as they relate to community development have been cited as causes of disenfranchisement, poverty, homelessness, unemployment, and economic dependency.

As to the concerns of environmental and social well-being of Kakaako Makai, SB 3122 and its companion bill HB 2544 would be the opportunity for us to realize a community that upholds the long overdue balance here in Hawaii between people, planet, and profits. I was fortunate enough to work in the office of the previous chairperson of the House Energy and Environmental Protection, Representative Hermina Morita, when legislation was passed and statute was set in place to establish shoreline setbacks for the first time in the state's history, protecting our communities from development that endangers public safety and disrupts our access to the ocean as both a public and traditional cultural right. The shoreline setback statutes are the law of the land in Hawaii. Any developer, whether in Kakaako Makai, Waimanalo, or Waianae, must abide by these statutes which in part will serve to sustain the strong surfing culture that is alive and well in the islands.

Mahalo for your consideration of SB 3122, legislation that will create parity in Kakaako between Native Hawaiians and non-native peoples of Hawaii related to housing development for the people of Hawaii and for long-term economic self-sufficiency and opportunity of all our residents.

Sincerely

A handwritten signature in black ink that reads "Jeff Gilbreath". The signature is written in a cursive, flowing style.

Jeff Gilbreath  
Executive Director



Shane Akoni Nelsen  
82-6026 Manini Beach Road  
Captain Cook, HI 96704  
[shane.nelsen@gmail.com](mailto:shane.nelsen@gmail.com)



## **TESTIMONY IN SUPPORT OF SB 3122**

Authorizes residential development by OHA on specified parcels in Kakaako Makai subject to public hearing, HCDA approval, and association fees to fund services and projects. Exempts development from public facilities dedication requirement.

### **COMMITTEE ON FINANCE**

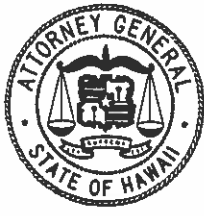
Tuesday, April 1<sup>st</sup>, 2014; 2:00PM; House Conference Room 328

Aloha Madame Chair Luke and members of the Finance Committee,

My name is Shane Nelsen from Kealahou Bay, South Kona and I support this measure. For many years, Native Hawaiians have waited to settle on an agreement for past revenues owed from “trust” lands. In lieu of money, the Office of Hawaiian Affairs (OHA) received portions of Kakaako Makai. The intent and hope of receiving this parcel, was the ability to grow its revenue and eventually have an economically viable source of income to support the endeavors of OHA.

The \$1.4 million in annual revenue from the parcels do not add up close to what the State owes to OHA. I ask that you look into the past, present, and future of the Native Hawaiians and allow them to develop their economics on their own land. Don't tie their hands.

Mahalo for allowing me to testify.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SEVENTH LEGISLATURE, 2014**

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**ON THE FOLLOWING MEASURE:**

**S.B. NO. 3122, S.D. 2, H.D. 2, RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY.**

**BEFORE THE:**

**HOUSE COMMITTEE ON FINANCE**

**LATE**

**DATE:** Tuesday, April 1, 2014

**TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 308

**TESTIFIER(S):** David M. Louie, Attorney General, or  
Charleen M. Aina, Deputy Attorney General  
Lori N. Tanigawa, Deputy Attorney General

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Chair Luke and Members of the Committee:

The Attorney General neither supports nor opposes passage of this bill but offers the following comments because the Department of the Attorney General has concerns that this bill could be challenged as special legislation and violative of article XI, section 5, of the State Constitution if passed.

The purpose of this bill is to increase the revenue generation potential of three of the nine parcels of land at Kakaako Makai that were transferred to the Office of Hawaiian Affairs (OHA) by Act 15, Session Laws of Hawaii 2012, and enhance OHA's ability to satisfy the State's and its responsibility under article XII, sections 4 and 6, of the State Constitution, to better the conditions of native Hawaiians by raising the permissible building height limit for two of the three parcels to 400 feet, and allowing all three parcels to be developed for residential use. Specifically, the bill amends the laws relating to the management of Kakaako Makai by (1) raising the maximum building height for two of the three parcels to 400 feet, and allowing the the Hawaii Community Development Authority (HCDA) to consider applications to develop the three parcels for residential use; (2) exempting the developers of the three parcels from HCDA's rules requiring developers to dedicate land, facilities, or cash for public facilities as a condition to development; (3) requiring HCDA to collect a Kakaako Makai Association fee from the owners of residential units developed on the three parcels; and (4) establishing a special account in the HCDA revolving fund into which the association fees HCDA collects are deposited to fund various public services and projects in the Kakaako Makai area.

A purpose section has been added to the bill to minimize against a challenge that this bill is special legislation and is thus violative of article XI, section 5, of the State Constitution because it excepts three of the parcels of land that the Legislature transferred to OHA by Act 15, from Kakaako Makai's residential development zoning restriction. Article XI, section 5, of the State Constitution provides:

The legislative power over the lands owned by or under the control of the State and its political subdivisions shall be exercised only by general laws, except in respect to transfers to or for the use of the State, or a political subdivision, or any department or agency thereof.

(Emphasis added.) Section 1 makes clear that this bill's purpose is to increase OHA's ability to use some of the lands transferred to it by Act 15 to fulfill OHA's constitutional responsibility to better the conditions of native Hawaiians. Except to correct the first full paragraph on page 3 of the H.D.2, to read as follows, the provisions of section 1 of S.B. No. 3122, S.D. 2, H.D. 2 should not be changed:

Particularly pertinent to the purpose of this Act, the legislature further declared that "[t]he Properties conveyed by this Act shall be deemed income and proceeds from the public land trust, as if the Properties had been paid out of the income and proceeds from the public land trust pursuant to article XII, section 6 of the State Constitution," see section 6 of Act 15, and "[t]he office of Hawaiian affairs shall administer the Properties in accordance with its duties under the Hawaii Constitution and as provided by law," see section 2 of Act 15."

Finally, to confirm that the \$200,000,000 valuation for the nine parcels of land transferred to OHA by Act 15, in 2012, was mutually attributed to them by OHA and the Governor, based on their respective experts' valuation of the parcels for commercial use only, attached to this testimony is a highlighted copy of Act 15, see Attachment 1, and a copy of the last report OHA's expert prepared regarding the respective fee simple values he and the State's expert respectively attributed to the nine parcels (Lot 9 of Act 15 is comprised of Property Nos. 6(F) and 7(G) in the report), see Attachment 2.

ACT 15

SECTION 7. Section 372-6, Hawaii Revised Statutes, is amended to read as follows:

~~“§372-6 Related instruction [and coordination of instruction]. Related instruction for apprentices [coordination of instruction with job experiences, and the selection] and training of teachers and coordinators for the instruction shall be the responsibility of the community [college division] colleges of the University of Hawaii[-] system.”~~

SECTION 8. Section 372-7, Hawaii Revised Statutes, is amended to read as follows:

~~“§372-7 [Joint apprenticeship committees.] Apprenticeship committee. [Local joint apprenticeship committees may be approved by the director of labor and industrial relations in any trade, group of trades, or in trade areas, whenever the apprentice training needs of the trade or group of trades justifies the establishment of the committees. The joint apprenticeship committees shall be composed of an equal number of persons known to represent the interest of the employers and employees, respectively.] Subject to the review of the director and in accordance with the standards established by this chapter and rules adopted by the director, [the] apprenticeship committees shall [devise standards for apprenticeship agreements and] give assistance to the operation and further development of apprenticeship in their respective [trade] occupation and localities.”~~

SECTION 9. Section 372-8, Hawaii Revised Statutes, is amended to read as follows:

~~“§372-8 State-federal cooperation. The department [of labor and industrial relations] may promote the administration of this chapter by accepting and utilizing information, services, and facilities made available to it by the federal [committee on apprenticeship:] Advisory Committee on Apprenticeship; and the department shall cooperate with the federal [committee on apprenticeship] Advisory Committee on Apprenticeship to the fullest extent consistent with this chapter.”~~

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 11. This Act shall take effect upon its approval.

(Approved April 10, 2012.)

Notes

1. Prior to amendment “into” appeared here.
2. So in original.

ACT 15

S.B. NO. 2783

A Bill for an Act Relating to the Public Trust Lands.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. In 1978, the Constitution of the State of Hawaii was amended to include article XII, sections 4, 5, and 6, which established the office of Hawaiian affairs and its board of trustees.

Sections 4, 5, and 6 of the State Constitution provide:

SECTION 4. The lands granted to the State of Hawaii by Section 5(b) of the Admission Act and pursuant to Article XVI, Section 7. of the State Constitution, excluding therefrom lands defined as "available lands" by Section 203 of the Hawaiian Homes Commission Act, 1920, as amended, shall be held by the State as a public trust for native Hawaiians and the general public.

SECTION 5. There is hereby established an Office of Hawaiian Affairs. The Office of Hawaiian Affairs shall hold title to all the real and personal property now or hereafter set aside or conveyed to it which shall be held in trust for native Hawaiians and Hawaiians. There shall be a board of trustees for the Office of Hawaiian Affairs elected by qualified voters who are Hawaiians, as provided by law. The board members shall be Hawaiians. There shall be not less than nine members of the board of trustees; provided that each of the following Islands have one representative: Oahu, Kauai, Maui, Molokai and Hawaii. The board shall select a chairperson from its members.

SECTION 6. The board of trustees of the Office of Hawaiian Affairs shall exercise power as provided by law: to manage and administer the proceeds from the sale or other disposition of the lands, natural resources, minerals and income derived from whatever sources for native Hawaiians and Hawaiians, including all income and proceeds from that pro rata portion of the trust referred to in section 4 of this article for native Hawaiians; to formulate policy relating to affairs of native Hawaiians and Hawaiians; and to exercise control over real and personal property set aside by state, federal or private sources and transferred to the board for native Hawaiians and Hawaiians. The board shall have the power to exercise control over the Office of Hawaiian Affairs through its executive officer, the administrator of the Office of Hawaiian Affairs, who shall be appointed by the board.

In Trustees of the Office of Hawaiian Affairs v. Yamasaki, 69 Haw. 154, 737 P.2d 446 (1987), the Hawaii Supreme Court concluded that the issue of what constitutes the portion of the income and proceeds derived from the public land trust for the office of Hawaiian affairs pursuant to article XII, section 6 of the Hawaii Constitution, is a political question for the legislature to determine.

In response to the Yamasaki decision, the legislature enacted Act 304, Session Laws of Hawaii 1990, to clarify the extent and scope of the State's obligation to provide a portion of the funds derived from the public land trust to the office of Hawaiian affairs.

On September 12, 2001, the Hawaii Supreme Court ruled in Office of Hawaiian Affairs v. State of Hawaii, 96 Haw. 388, 31 P.3d 901 (2001), that Act 304 was effectively repealed by its own terms, so that it was necessary for the legislature to specify what portion of which funds, from which lands the office of Hawaiian affairs was to receive under the State Constitution.

In its decision, the Supreme Court affirmed Yamasaki, observing:

[T]he State's obligation to native Hawaiians is firmly established in our constitution. How the State satisfies that constitutional obligation requires policy decisions that are primarily within the authority and expertise of the legislative branch. As such, it is incumbent upon the legislature to enact legislation that gives effect to the right of native Hawaiians to benefit from the ceded lands trust. See Haw. Const. art. XVI, §7. . . .  
 . . . we trust that the legislature will re-examine the State's constitutional obligation to native Hawaiians and the purpose of HRS § 10-13.5 and enact legislation that most effectively and responsibly meets those obligations.

ACT 15

Office of Hawaiian Affairs v. State of Hawaii, 96 Haw. at 401, 31 P.3d at 914 (citations omitted)

One of the purposes of this Act is to resolve and extinguish, finally and completely, any and all claims, disputes and controversies the office of Hawaiian affairs, or any other person or entity claiming by, through, or under the office, has asserted or raised, or could otherwise assert or raise, relating to the portion of the income and proceeds from the public land trust lands under sections 4 and 6 of article XII of the State Constitution or any related statute or act, the office of Hawaiian affairs received between November 7, 1978, up to and including June 30, 2012.

Another purpose of this Act is to effectively and responsibly fulfill the constitutional obligation to native Hawaiians under article XII, sections 4 and 6, of the State Constitution between November 7, 1978, up to and including June 30, 2012, by re-examining the amount of money the office of Hawaiian affairs received under article XII, section 6 of the Constitution, determining whether the office received what it should have received as its share of the income and proceeds from public land trust lands between 1978 and 2012, and providing additional resources to the office in the form of fee simple title to certain parcels of land to completely and finally fulfill the State's constitutional obligations relating to the office of Hawaiian affairs' portion of the income and proceeds from the public land trust lands under article XII, sections 4 and 6, of the State Constitution or any related statute or act, between November 7, 1978, up to and including June 30, 2012.

The legislature recognizes that the governor and the office of Hawaiian affairs have reached an agreement with respect to conveyances of land and all issues relating to the office of Hawaiian affairs' portion of the income and proceeds from the public land trust lands under sections 4 and 6 of article XII of the Constitution, between November 7, 1978, up to and including June 30, 2012.

The legislature finds that the agreement between the State and the office of Hawaiian affairs represents a joint recommendation as to the policy the legislature should adopt, to satisfy the State's constitutional obligations to native Hawaiians under article XII, sections 4 and 6 of the Constitution for the period between November 7, 1978, up to and including June 30, 2012, relating to the office of Hawaiian affairs' portion of the income and proceeds from the public land trust lands. Conveyance of the fee simple interest to the lands the governor and the trustees of the office of Hawaiian affairs identified for conveyance will allow the State to effectively and responsibly meet said constitutional obligations to native Hawaiians.

This Act, therefore, is an expression of legislative policy, not a settlement or a contract. This legislation is a legislative act without distinction from any other legislative act. As it is neither a settlement nor a contract, it can give rise to no lawsuits or claims other than an action to compel compliance with this Act's terms, nor to any claim that any future legislation is barred in any way, or leads to liability in any way, because it somehow conflicts with a settlement, settlement agreement, contract, or the provisions of this Act.

SECTION 2. Notwithstanding any other law to the contrary, the fee simple interest to the following parcels of land with the existing improvements thereon (hereinafter "the Properties") (but not including submerged land, accreted land, or any land makai of the shoreline), is conveyed to the office of Hawaiian affairs as grantee, as of July 1, 2012, as is, where is:

- (1) Lots 1, 2, 3, 4, 5, 6 (portion), and 9 of File Plan 2471 filed at the Bureau of Conveyances, State of Hawaii, on February 23, 2010;
- (2) TMK (1) 2-1-15-61; and

## (3) TMK (1) 2-1-15-51.

As directed by the attorney general, the appropriate boards, agencies, officers, and employees of the State shall (1) prepare and execute deeds warranting title only, and such other instruments appropriate and necessary to convey fee title and interest to the above-listed parcels with all existing improvements, to the office of Hawaiian affairs, as grantee, and (2) record the deeds and such other instruments within a reasonable period of time after the effective date of this Act, in the land court or bureau of conveyances, as appropriate. The aforesaid executed deeds and other instruments shall be delivered to the office by the State no later than \_\_\_\_\_ days after they are recorded. As these are conveyances in which the State and its agencies are the only parties, the tax imposed by section 247-1, Hawaii Revised Statutes, shall not apply to them.

For purposes of this section and this Act, "as is, where is" means that the office of Hawaiian affairs is accepting the Properties in their existing condition as of March 1, 2012, the close of the office's period for due diligence, without representations or warranties of any kind or nature. Except as set forth in the aforesaid deeds, the State makes no warranty or representation of any kind or nature, either express or implied, or arising by operation of law, including, but not limited to, any warranty of quantity, quality, condition, habitability, reliability, merchantability, workmanlike construction, suitability or fitness for a particular purpose, about the parcels of real property described in this section, any building or other improvement located on those parcels of land, any environmental contamination or conditions of those parcels of land, and the soil conditions related to those parcels of land.

The office of Hawaiian affairs has completed all due diligence investigations of the parcels necessary to satisfy itself as to the physical, environmental, economic and legal conditions relating to the parcels of land, and has indicated that it relied solely on the information it secured from its due diligence, and not on any information provided by or on behalf of the State to determine whether it wished to accept and acquire title to those parcels of land. All claims and liabilities against the State, if any, which the office of Hawaiian affairs has, may have had, or may have in the future, regarding any injury, loss, cost, damage or liability, including reasonable attorney's fees, concerning the physical, environmental, soil, economic and legal conditions of the Properties, are released, waived and extinguished.

The Properties are and shall remain (even after conveyance to the office) under the jurisdiction and authority of the Hawaii community development authority, with respect to zoning, land use conditions and all other matters over which the authority has jurisdiction and authority to act. If in the future, the jurisdiction and authority over zoning and land use conditions over the Properties is transferred to, changed to, or vested in another department or agency of the State, then the Properties shall be under the jurisdiction and authority of such other department or agency.

The conveyances required to be made by this section shall not and do not include the rights of native tenants, or any of the State's rights to minerals and metallic mines, including all geothermal rights, submerged lands, surface or ground water, or the State's regulatory and ownership rights (if any) over, or to historic properties, aviation artifacts, burial sites, and prehistoric and historic remains under chapter 6E, Hawaii Revised Statutes.

The Properties conveyed shall be and remain subject to all encumbrances (whether or not of record), the rights of native tenants, leases, contracts, agreements, permits, easements, profits, licenses, rights-of-way or other instruments applicable to any of the Properties effective or on-going on the effective date of this Act unless they expire or are terminated pursuant to their respective terms.

ACT 15

These rights and encumbrances shall be set forth in the deeds conveying the Properties to the office or set forth in a license or similar agreement, a memorandum of which may be recorded concurrently with the deeds conveying the Properties to the office. Effective July 1, 2012, every reference to the present titleholder or the head of the department or agency in each such instrument, if the titleholder is a department or an agency, shall be construed as a reference to the office of Hawaiian affairs or its board of trustees.

The Properties shall be subject to all laws, except sections 206E-8, 206E-10, 206E-34, Hawaii Revised Statutes, and as otherwise provided in this Act, provided that the Hawaii community development authority may acquire by condemnation, pursuant to chapter 101, Hawaii Revised Statutes, easements, rights-of-way, rights of entry, or other rights of access in favor of lands adjoining the Properties conveyed that are under the control and management of public agencies, provided the office of Hawaiian affairs is paid just compensation for the same. The office of Hawaiian affairs shall administer the Properties in accordance with its duties under the Hawaii Constitution and as provided by law.

The instruments of conveyance executed and recorded pursuant to this Act shall specify that the office of Hawaiian affairs and any successor owner of any of the Properties shall cooperate with the State and its agencies to designate and grant such access rights and easements to the State or its agencies as may be reasonably necessary for the benefit and use of properties owned by the State or its agencies and which are adjacent to one or more of the Properties. Each of the instruments creating such access rights or granting such easements shall provide that the office, or any successor owner of the servient property, shall have the right to reasonably relocate any such access areas or easements so granted. The cost of initially identifying such access areas or designating and granting any such easements shall be paid by the State. The cost of relocating any such access areas or easements shall be paid by the office or any such successor owner, as the case may be. Each of the instruments creating such access rights or granting such easements also shall provide that the State and its agencies shall be responsible for only a reasonable share of the cost of maintaining any such access areas and easement areas, as the case may be, and that the office, its tenants, licensees, concessionaires, successors, and assigns shall not be liable for injuries or damages arising from the use of such access areas or easement areas and caused by the acts or omissions of the State, its agencies or employees, or their invitees.

SECTION 3. The passage of this Act is in full satisfaction, resolution, and discharge of any and all claims, disputes, controversies, actions, causes of action, demands, claims for relief, liability, liabilities, costs, compensations, injuries, losses, damages or expenses of any kind or nature, whether known or unknown, contingent or uncertain, patent or latent, whether at law or in equity, now existing or hereafter arising, established or inchoate, including any claim or action under chapter 661, Hawaii Revised Statutes, or for breach of trust under chapter 673, Hawaii Revised Statutes, that have been asserted or could have been asserted, or could be asserted in the future against the State by the office of Hawaiian affairs or any other person or entity claiming by, through, or under the office, in any manner arising out of, growing out of, connected with or traceable either directly or indirectly to, concerning or in any way related to any right the office of Hawaiian affairs or any other person or entity claiming by, through, or under the office may have or may have had to the portion of income and proceeds, or any other tangible right, item, or benefit related to said income and proceeds, from the public land trust lands under sections 4 and 6 of article XII of the Constitution or any related statute or act, between November 7, 1978, up to and including June 30, 2012.



All claims, disputes, controversies, actions, causes of action, demands, claims for relief, liabilities, costs, compensations, injuries, losses, damages or expenses of any kind or nature, whether known or unknown, contingent or uncertain, patent or latent, whether at law or in equity, now existing or hereafter arising, established, or inchoate, including any claim or action under chapter 661, Hawaii Revised Statutes, or for breach of trust under chapter 673, Hawaii Revised Statutes, that have been asserted or could have been asserted, or could be asserted in the future against the State by the office or any other person or entity claiming by, through, or under the office, in any manner arising out of, growing out of, connected with or traceable either directly or indirectly to, concerning or in any way related to, any right the office of Hawaiian affairs or any other person or entity claiming by, through, or under the office may have or may have had to the portion of income and proceeds, or any other tangible right, item, or benefit related to said income and proceeds, from the public land trust lands under sections 4 and 6 of article XII of the Constitution or any related statute or act, between November 7, 1978, up to and including June 30, 2012, are released, waived, and forever discharged and extinguished.

Each and every claim or suit that is predicated in any way upon an act or omission that arises out of or is in any way related to any right the office of Hawaiian affairs, or any other person or entity claiming by, through or under the office may have or may have had to the income and proceeds, or any other tangible right, item, benefit or claim or action under chapter 661, Hawaii Revised Statutes, or for breach of trust under chapter 673, Hawaii Revised Statutes, related to said income and proceeds, from the public land trust lands under sections 4 and 6 of article XII of the Constitution or any related statute or act, between November 7, 1978, up to and including June 30, 2012, is forever extinguished and barred and may not be brought by the office, or by any other person or entity claiming by, through, or under the office.

The passage of this Act shall have the effect of *res judicata*, collateral estoppel, and claim and issue preclusion as to the office of Hawaiian affairs and all persons and entities claiming by, through, or under the office, and all claims, issues and defenses which have been at issue, or which could have been, or could in the future be, at issue, including any claim or action under chapter 661, Hawaii Revised Statutes, or for breach of trust under chapter 673, Hawaii Revised Statutes, whether brought against the State or its departments, agencies, officials, or employees, directly or indirectly, by subrogation, derivative or third party action, tender, federal action, or by any other means whatsoever, arising out of or in any way related to any right the office of Hawaiian affairs, or any other person or entity claiming by, through, or under the office, to the portion of income and proceeds, and/or any other tangible right, item, or benefit related to said income and proceeds, from the public land trust lands under sections 4 and 6 of article XII of the Constitution or any related statute or act between November 7, 1978, up to and including June 30, 2012.

The office of Hawaiian affairs shall not, cannot, and is forever prohibited and barred, now and in the future, from (1) asserting, arguing, or claiming that the office was entitled to more receipts than it received pursuant to Act 178, Session Laws of Hawaii 2006, or any other duly enacted law establishing the portion of the income and proceeds from the public land trust lands the office of Hawaiian affairs is to receive under sections 4 and 6 of article XII of the Constitution, between November 7, 1978, up to and including June 30, 2012, (2) bringing an action for breach of trust under chapter 673, Hawaii Revised Statutes, to contest or claim a larger portion of the income and proceeds, and/or any other tangible right, item, or benefit related to said income and proceeds, from the public land trust lands under sections 4 and 6 of article XII of the Constitution for itself or

## ACT 15

its beneficiaries, or (3) asserting, arguing, or claiming that section 673-9, Hawaii Revised Statutes, does not bar a suit to contest or make a claim relating to the portion of the income and proceeds from the public land trust lands the office of Hawaiian affairs receives or is to receive under sections 4 and 6 of article XII of the Constitution. The prohibition and bar imposed by the immediately preceding sentence shall be applicable to any and all money transferred, or in the future to be transferred, to the office of Hawaiian affairs pursuant to Act 178, Session Laws of Hawaii 2006, or any other law enacted to give effect to the provisions of article XII, sections 4 and 6 of the Constitution relating to the office's portion of the income and proceeds from the public land trust lands under sections 4 and 6 of article XII of the Constitution, including, but not limited to, receipts from general leases, revocable permits, and licenses for the use of improved and unimproved parcels of public land trust lands, rents and fees for agricultural uses, rents and fees for retail, office, warehouse, medical and other uses of space in state-owned buildings and facilities, receipts from the sale of wood, rock, and other natural resources on public land trust lands, landing, docking and parking fees, rents and fees from the State's in-bond duty free, park, and other concessions, rents, fees, and reimbursements collected at state-operated hospitals and medical facilities, and fees and rents from the State's affordable housing development and rental public housing projects.

SECTION 4. To the extent that the State has made any waiver of sovereign immunity for a suit, claim, cause of action, or right of action regarding the amount of the income and proceeds the office of Hawaiian affairs is to receive from the public land trust lands pursuant to article XII, sections 4 and 6 of the Hawaii Constitution, that waiver is withdrawn.

SECTION 5. The State, while not admitting the validity of any claims, hereby resolves and satisfies all controversies and claims described in section 3 of this Act by the conveyance of the Properties described in section 2 of this Act.

SECTION 6. The Properties conveyed by this Act shall be deemed income and proceeds from the public land trust, as if the Properties had been paid out of the income and proceeds from the public land trust pursuant to article XII, section 6 of the State Constitution.

SECTION 7. Notwithstanding any other law to the contrary, the State, and the state officials who may have participated in the preparation of the provisions or the enactment of this Act, including the office of Hawaiian affairs, each of the members of its board of trustees, and its staff, shall not be subject to suit because of their participation, except if an action is brought to compel compliance with a provision of this Act, in which case the action shall be brought only against the State or the office of Hawaiian affairs, or any official necessary to compel compliance with a provision of this Act.

SECTION 8. If any provision of chapter 673, Hawaii Revised Statutes, is inconsistent with any provision of this Act, then the provisions of this Act shall prevail.

SECTION 9. (a) The provisions of this Act are not severable to the extent that if any provision of either section 2 or section 3 of this Act is held invalid or unenforceable by a final judgment of the Hawaii Supreme Court or the United States Supreme Court that resolves all issues, this Act in its entirety shall be invalid, all interests in the Properties conveyed pursuant to the provisions of

section 2 of this Act, shall be conveyed back to their respective grantors by the office of Hawaiian affairs.

(b) There is no waiver of sovereign immunity to bring any suit, claim, cause of action, or right of action to invalidate section 2 or 3 of this Act, or to enjoin their implementation or application, and to the extent any waiver of sovereign immunity for such a suit, claim, cause of action, or right of action exists, that waiver is withdrawn.

(c) Nothing in this Act limits the legislature's exclusive authority to enact laws.

SECTION 10. This Act shall take effect on July 1, 2012.

(Approved April 11, 2012.)

ACT 16

H.B. NO. 1858

A Bill for an Act Relating to Workforce Information.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 76, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§76- Executive branch workforce demographic profile.** (a) The director of human resources development shall compile a profile on the workforce of the executive branch of the State that shall include:

- (1) Demographic data on the entire executive branch workforce covering both civil service employees hired through recruitment procedures based on merit and employees exempt from such procedures;
- (2) Breakouts of the data required by paragraph (1) for the systems administered by the department of human resources development, the board of education, the University of Hawaii board of regents, and the Hawaii health systems corporation, respectively; and
- (3) Information on the number of employees who are currently eligible for retirement and projected retirements for the succeeding five years.

(b) The director of human resources development shall submit an annual profile report to the legislature no later than twenty days prior to the convening of each regular session.”

SECTION 2. New statutory material is underscored.<sup>1</sup>

SECTION 3. This Act shall take effect on July 1, 2012.

(Approved April 12, 2012.)

Note

1. Edited pursuant to HRS §23G-16.5.

# Medusky & Co., Inc.

REAL ESTATE CONSULTANTS

QUEEN'S COURT, SUITE 404 • 800 BETHEL STREET  
HONOLULU, HAWAII 96813  
PHONE (808) 531-2765 • FAX (808) 599-3736  
EMAIL - medusky@meduskyandco.com

Jan R. Medusky, MAI, CRE

December 29, 2011

William Meheula, Esq.  
Meheula & Devens, LLP  
707 Richards Street, Penthouse 1  
Honolulu, Hawaii 96813

Dear Mr. Meheula:

**Subject: Supplement to Summary Appraisal Report Regarding Ten Properties, Kakaako, Honolulu, Hawaii, TMK 2-1-58-95, et al., First Division**

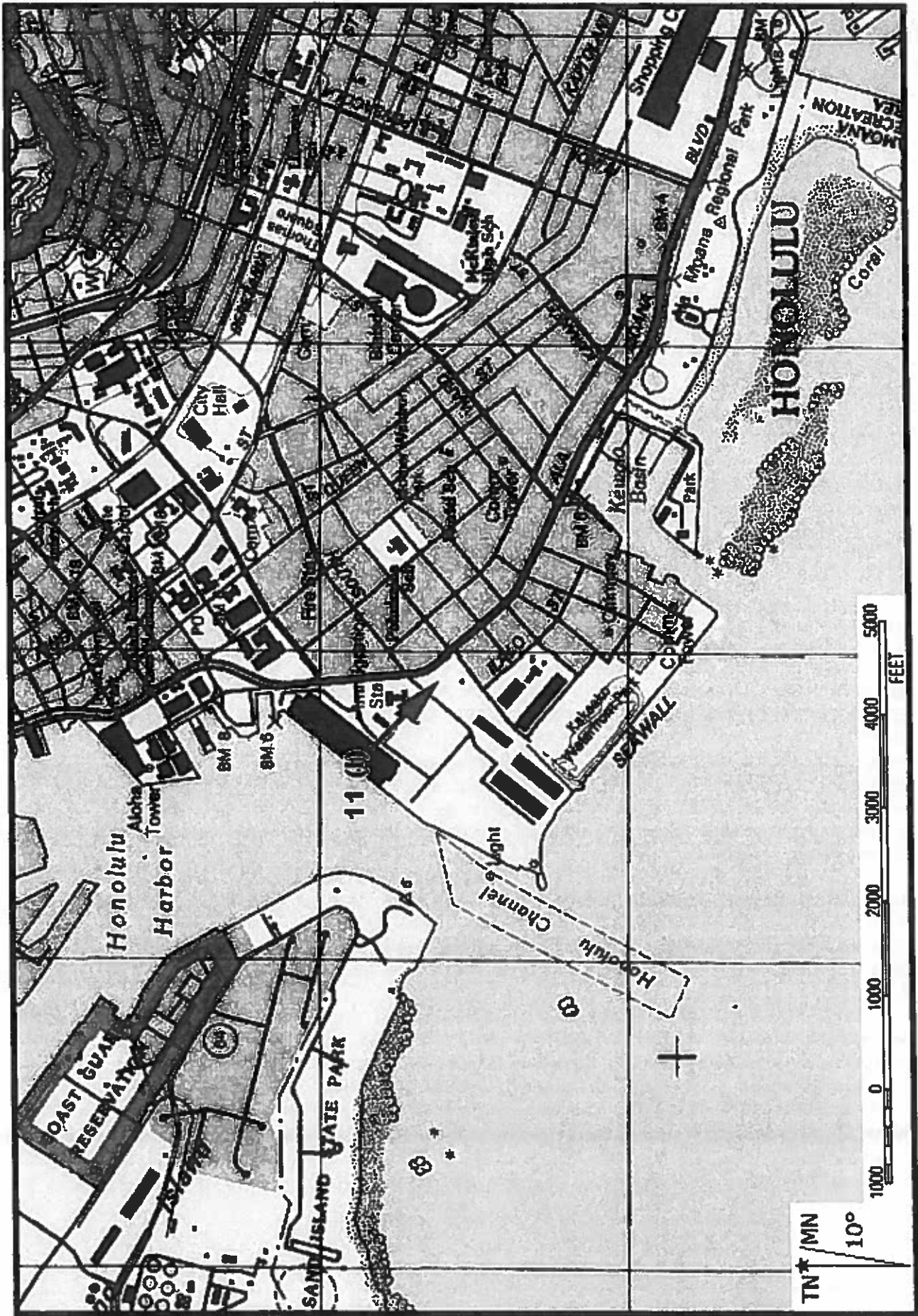
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By document dated November 30, 2011, Medusky & Co., Inc. prepared for you a Summary Appraisal Report regarding the above referenced properties.

The State of Hawaii, Hawaii Community Development Authority owns the fee simple interest in the ten properties at Kakaako, Honolulu, Hawaii that were involved in a pending Settlement Agreement between the State of Hawaii and the Office of Hawaiian Affairs (OHA). The ten properties contain from 0.9 to 5.5 acres. Some of the land parcels include older improvements and/or are encumbered by leases or other agreements. Per your instructions, the subject properties were appraised as if vacant, unencumbered, and available for development to their highest and best use. Therefore, the leases/other agreements and building improvements involved with the subject properties were not taken into consideration in the valuation of the properties.

The pending Settlement Agreement pertains to the long-standing ceded lands claims between the parties. As part of the pending Settlement Agreement, fee simple ownership of the subject properties would be transferred from the State of Hawaii, Hawaii Community Development Authority to OHA. You represent OHA in this matter and, in this regard, retained Medusky & Co., Inc. to prepare the Summary Appraisal Report.

Subsequently, you have informed us that Property No. 8 is no longer involved in the Settlement Agreement and that a new property (identified herein as Property No. 11) may be included in the Settlement Agreement. Property No. 11 contains 3.3 acres of vacant land, is located adjacent to Property No. 8 and is zoned Mixed Use Zone. You have requested that we prepare this Supplement to the original Summary Appraisal Report estimating the market value of the unencumbered, fee simple interest in Property No. 11.



ENVIRONS MAP

## **ASSIGNMENT**

Our assignment has been to prepare a Supplement to the November 30, 2011 Summary Appraisal Report estimating the Market Value of the fee simple interest in Property No. 11. The assignment has also included comparison of our market value conclusion with that of the appraisal firm (The Hallstrom Group, Inc.) retained by the State of Hawaii.

The intended use of this Supplement is to provide an estimate of market value for Property No. 11 upon which decisions regarding the pending Settlement Agreement may be based.

The intended users of this report are the client (William Meheula, Esq., attorney for OHA) and others involved in the pending Settlement Agreement.

This report is subject to the Limiting Conditions and Assumptions contained in Exhibit 1 in the Addenda of this report. The reader's attention is particularly directed to the Special Limiting Conditions and Assumptions regarding Supplement to Summary Appraisal Report and Encumbrances/Building Improvements.

**Supplement to Summary Appraisal Report** – This report is written as a Supplement to the Summary Appraisal Report prepared by Medusky & Co., Inc. dated November 30, 2011. As such, all of the original Summary Appraisal Report is included herein by reference. The reader of this Supplement should also read the Summary Appraisal Report.

**Encumbrances/Building Improvements** – Some of the subject properties are encumbered by leases or other agreements and/or include building improvements. Per instructions from the client, the subject properties have been appraised as if unencumbered by any leases/other agreements and as if vacant and available for development to their highest and best use. Therefore, the leases/other agreements and building improvements involved with the properties have not been taken into consideration by the appraisers in the valuation of the subject properties herein. If the properties were appraised subject to the existing leases/other agreements and building improvements, the value conclusions herein may change.

The effective date of value for this Supplement report is November 30, 2011, the same effective value date as the original Summary Appraisal Report.

## **SCOPE OF WORK**

**Scope of Work** included the following.

- Reviewed the November 30, 2011 Summary Appraisal Report.
- Researched and analyzed subject Property No. 11 data, including history, ownership, zoning, etc.
- Inspected the subject property.
- Researched and analyzed transactions involving land having characteristics similar to the subject property.
- Completed valuation analyses as described herein.

William Meheula, Esq.  
December 29, 2011

- Prepared this Appraisal Report in a Summary format as a Supplement to the original Summary Appraisal Report.

### **SUBJECT PROPERTY NO. 11 DATA/DESCRIPTION**

**Property Summary** – A Property Summary Table is included on a following page with an accompanying aerial photograph. The table and aerial photograph are the same as that included in the original Summary Appraisal Report except that Property No. 11 has been added.

**Property No. 11** contains 3.3 acres in a near quadrangular shape fronting Ala Moana Boulevard, South Street and Ilalo Street. The land is vacant and unimproved. It is currently leased to five tenants. A sewer easement bisects the property.

Further details pertaining to Property No. 11 are contained in Tab 11 in a following section of this report.

### **RIGHTS APPRAISED**

The Rights Appraised involve the unencumbered fee simple interest in the subject land. For purposes of this appraisal, the existing encumbrances, including the five leases, have not been considered. Easements encumbering the property have been considered.

### **HIGHEST AND BEST USE**

Property No. 11 has legal and physical characteristics similar to the other non-oceanfront subject properties. For reasons discussed in the original Summary Appraisal Report, the Highest and Best Use of Property No. 11 is for commercial use, the same as that of the other subject properties.

### **APPRAISAL METHODOLOGY**

The direct market comparison approach was employed to estimate land value.

### **MARKET DATA**

The same land value comparables used in the original Summary Appraisal Report were employed to value Property No. 11.

### **DIRECT MARKET COMPARISON ANALYSIS**

Direct Market Comparison Analysis for Property No. 11 is included in Tab 11 in a following section of the report. Adjustments made are similar in nature to that for the other subject properties, not requiring further discussion herein.



AERIAL PHOTOGRAPH



PROPERTY SUMMARY  
Kakaako Makai Properties  
Kakaako, Honolulu, Oahu, Hawaii

Property No.	Identification (TMK)	Land Area acres	Land Area sq. ft.	Zoning (HU/FAR)	Improvements	Land Highest & Best Use	Interest Analyzed [1]	Tenant/Occupant/Use	Comments
1 (A)	1009 Ala Moana Boulevard (2-1-58-95 & 125)	5.082	221,372	WC (65/1.50)	7,441 sf Restaurant (vacant)	Commercial	FS	Kewalo Wharf LLC (Parcel 125)	Waterfront land at Kewalo Basin.
2 (B)	113 & 123 Ahui Street (2-1-58-02 & 35)	3.150	137,213	WC (65/1.50)	Warehouse (9,870 sf)	Commercial	FS	Honolulu Marine, Inc.	Waterfront land and submerged land at Kewalo Basin
3 (C)	59 Ahui Street (2-1-58-124 & 126)	2.043	88,996	WC (65/1.50)	Vacant	Commercial	FS	Kewalo Keiki Fishing Conservancy (Parcel 124)	Irregularly shaped waterfront land parcel at Kewalo Basin.
4 (D)	45 & 53 Ahui Street (2-1-58-48)	0.083	3,600	WC (65/1.50)	Radio transmitter tower & utility building	Commercial	FS	Salem Media of Hawaii, Inc.	Leased for radio tower use.
	(2-1-60-13)	0.855	37,241	WC (65/1.50)	Vacant (under construction with a wedding chapel)	Commercial	FS	Ocean Investments, LLC	Waterfront land at Kewalo Basin. Leased for wedding chapel development.
	Total	0.938	40,841						
5 (E)	919 Ala Moana Boulevard (2-1-58-06)	2.200	95,832	MUZ (200/2.50)	5 story masonry office building (103,336 sf GBA)	Commercial	FS	State of Hawaii	Non-waterfront property
6 (F)	160 Ahui Street (2-1-60-05)	4.613	200,942	MUZ (200/2.00)	Vacant (paved parking lot)	Commercial	FS	Parking	Non-waterfront land bisected by sewer easement.
7 (G)	160 Koula Street (2-1-60-06)	2.546	110,904	MUZ (200/2.00)	Vacant (paved parking lot & portion of Ohe Street)	Commercial	FS	Parking/Roadway	Non-waterfront land
9 (K)	40 Ahui Street (2-1-60-par 01)	1.584	69,000	WC (65/1.50)	3 story Office building	Commercial	FS	University of Hawaii	Waterfront property at Kewalo Basin.
10 (L)	Kaawe Street (2-1-15-51)	5.226	227,645	MUZ (45/0.60)	Warehouse (70,000± sf)	Commercial	FS	Re-use Hawaii	Waterfront property
11 (I)	Ala Moana Boulevard (2-1-15-53)	3.336	145,316	MUZ (200/3.5)	Vacant	Commercial	FS	Quality Assurance Engineering Inc et al.	Non-waterfront land bisected by sewer easement.
TOTALS			30,718						

[1] Some of the properties may be encumbered by leases, licenses or other agreements which have not been provided to the appraisers. Based on instructions from the client, the properties have been valued as though vacant, unencumbered and available for development to their highest and best uses.

## **MARKET VALUE CONCLUSIONS**

The market value estimate for Property No. 11 is \$23,900,000 reflecting \$164 per sq. ft.

A Summary of Conclusions for all subject properties is included on a following page.

The aggregate retail market value of the ten subject properties (excluding Property No. 8 and including Property No. 11) estimated herein totals \$194,200,000 as of November 30, 2011.

**Comparison with The Hallstrom Group, Inc. Value Conclusions** – The client has provided the appraisers with market value estimates prepared by The Hallstrom Group, Inc. (Honolulu, Hawaii) for the subject properties which are also included on the Summary of Conclusions on a following page.

The Hallstrom estimated market values for each subject property differ somewhat from that of the appraisers herein. Appraised market values represent opinions of individual appraisers. As one would expect, it is unlikely that two appraisers would have the same appraised value for the ten subject properties. However, review of the Hallstrom conclusions indicates an aggregate value of \$199,130,000, similar to the aggregate value conclusion estimated herein. Differences in individual market values are relatively minor. As such, from the perspective of the undersigned appraisers, the Hallstrom conclusions, in general, appear reasonable.

## **CERTIFICATION**

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved in this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.

**SUMMARY OF CONCLUSIONS**  
**Kakaako Makai Properties**  
**Kakaako, Honolulu, Oahu, Hawaii**

Property No.	Identification (TMK)	Land Area acres	Zoning (HU/FAR)	Land Highest & Best Use	Rights Appraised	Hallstrom Conclusions		Appraisers' Conclusions		Exposure/ Marketing Time (mos)
						\$	\$/sq. ft.	\$	\$/sq. ft.	
1 (A)	1009 Ala Moana Boulevard (2-1-58-95 & 125)	5.082	WC (65/1.50)	Commercial	FS	\$34,980,000	\$158	\$36,000,000	\$163	12
2 (B)	113 & 123 Ahui Street (2-1-58-02 & 35)	3.150	WC (65/1.50)	Commercial	FS	\$17,750,000	\$129	\$18,500,000	\$135	12
3 (C)	59 Ahui Street (2-1-58-124 & 126)	2.043	WC (65/1.50)	Commercial	FS	\$13,820,000	\$155	\$13,600,000	\$153	12
4 (D)	45 & 53 Ahui Street (2-1-58-18 & 2-1-60-13)	0.938	WC (65/1.50)	Commercial	FS	\$7,400,000	\$181	\$7,300,000	\$179	12
5 (E)	919 Ala Moana Boulevard (2-1-58-06)	2.200	MUZ (200/2.50)	Commercial	FS	\$17,160,000 [1]	\$179	\$16,100,000	\$168	12
6 (F)	160 Ahui Street (2-1-60-05)	4.613	MUZ (200/2.00)	Commercial	FS	\$30,660,000	\$153	\$27,200,000	\$135	12
7 (G)	160 Koula Street (2-1-60-06)	2.516	MUZ (200/2.00)	Commercial	FS	\$18,470,000	\$167	\$16,300,000	\$147	12
9 (K)	40 Ahui Street (2-1-60-por. 01)	1.584	WC (65/1.50)	Commercial	FS	\$11,420,000	\$166	\$12,400,000	\$180	12
10 (L)	Keawe Street (2-1-15-51)	5.226	MUZ (45/0.60)	Commercial	FS	\$21,930,000	\$96	\$22,900,000	\$101	12
11 (I)	Ala Moana Boulevard (2-1-15-53)	3.336	MUZ (200/3.5)	Commercial	FS	\$25,540,000 [1]	\$176	\$23,900,000	\$164	12
<b>TOTALS</b>		<b>30.718</b>				<b>\$199,130,000</b>		<b>\$194,200,000</b>		

[1] Hallstrom value conclusion based on assumed height limit of 400 ft.

William Meheula, Esq.  
December 29, 2011

- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- The undersigned made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the persons signing this certification.
- As of the date of this report, Jan R. Medusky, MAI has completed the continuing education program of the Appraisal Institute.

We appreciate the opportunity of completing this assignment for you.

Sincerely,

MEDUSKY & CO., INC.



**Jan R. Medusky, MAI, CRE  
President**

Hawaii State Certified General Appraiser  
CGA-17  
Certificate Expires 12/31/13



**Edward W. Becker, CGA  
Real Estate Appraiser**

Hawaii State Certified General Appraiser  
CGA-581  
Certificate Expires 12/31/11

From: Ohana Nuuanu <leahkaiohana@gmail.com>  
Sent: Tuesday, April 01, 2014 9:57 AM  
To: FINTestimony  
Subject: Support for SB3122



- Aloha, My name is Kaipo Nuuanu, I am Native Hawaiian and I strongly support SB3122.

As part of the Kakaako settlement OHA received the lands to gain money that was owed to Hawaiians for decades. OHA needs to maximize the value and revenue production of this property because that's why it was given the lands in the first place. The legislature knew that at the time of the original settlement, the entitlements were being considered. To generate the money it should have gotten instead of the land, OHA needs to be able to consider residential development.

OHA has plans to build a new community on its Kaka'ako lands that will reflect Native Hawaiian values. Honolulu has been the center of development in Hawai'i and hardly embodies a sense of place for the indigenous people of this land. The new community at Kaka'ako would create a space where Native Hawaiian values are prioritized and will incorporate smart planning principles-including spaces where folks can live, work, and play.

Mahalo,

finance1

From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, April 01, 2014 9:48 AM  
To: FINTestimony  
Cc: bjborgnino@gmail.com  
Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**LATE**

**SB3122**

Submitted on: 4/1/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara Borgnino	Individual	Oppose	No

Comments: This is irresponsible development. The potential future problems for this building sight are significant. Who will pay for dismantling the buildings in the future if the science of global warming proves to be correct?

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

From: Wailaahia - <wailaahia@hotmail.com>  
Sent: Tuesday, April 01, 2014 10:09 AM  
To: FINTestimony  
Subject: Support SB3122



Aloha Finance Committee Members,  
My name is Wai Kaholoaa and I live in Salt Lake, O'ahu. I write to support SB3122, removing restrictions on OHA parcels in Kaka'ako Makai.

OHA has many community programs and grants which help relieve issues facing the Native Hawaiian community. Issues like drug abuse, health problems, incarceration, and poverty are all issues which OHA is dedicated to combat, but OHA needs the funding to do so. Development of the Kaka`ako area, which will also be in a culturally appropriate and centered way, will allow OHA to generate revenue needed to continue and expand its much needed services.

The State settled with OHA over longstanding claims which was amicably agreed to value \$200 million. For the State to not allow OHA to realize the full value of the land used to settle those claims is wrong.

Legislators need to do what is right. Make this right by removing restrictions on the OHA parcels.

Mahalo,

finance1

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**LATE**

From: Charlyn Ontai <contai@hotmail.com>  
Sent: Tuesday, April 01, 2014 10:29 AM  
To: FINTestimony  
Cc: Rep. Bob McDermott; Sen. Will Espero  
Subject: SUPPORT SB3122 RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY

Aloha,

I am Native Hawaiian and I strongly support SB3122. As part of the Kakaako settlement OHA received the lands to gain money that was owed to Hawaiians for decades. OHA needs to maximize the value and revenue production of this property because that's why it was given the lands in the first place. The legislature knew that at the time of the original settlement, the entitlements were being considered. To generate the money it should have gotten instead of the land, OHA needs to be able to consider residential development.

Mahalo,

Charlyn Ontai  
Ewa Beach, HI



From: Dayna N <leinani1974@yahoo.com>  
Sent: Tuesday, April 01, 2014 10:54 AM  
To: FINTestimony  
Cc: Rep. Della Belatti; Sen. Brian Taniguchi  
Subject: Support SB3122



Aloha my name is Dayna Pa I am a resident of Makiki, O'ahu. I support the passage of SB3122.

It is simply unfair that the State negotiated a payout to Native Hawaiians valued at \$200 million and then not allowed OHA to maximize the value of the land. OHA hasn't started with a master plan, but eliminating the restrictions in place on the land with help with the planning process.

OHA will not simply develop the lands at Kaka'ako it seeks to help build a new community in Kaka'ako. It's not just a place owned by Hawaiians. It will be a place for Hawaiians. The metropolitan center of Honolulu has been vastly and rapidly developed over the past few decades with high rises and luxury hotels and shopping centers that make Hawai'i look like the high end of any other big city to attract people from elsewhere. Native Hawaiians walk around in our own land and don't recognize ourselves in anything. OHA wants to make a space where Native Hawaiian culture and stewardship values drive the design and use. Even if some of the residences may be purchased by non-locals, generating revenue on some of their parcels will allow them to create a place for Native Hawaiians where our culture and lifestyles can be nurtured.

Allowing OHA to develop these lands will ultimately help Native Hawaiians as a whole. OHA supports many programs the State falls short on. They provide additional funding for Charter Schools, scholarships for those who want to attend college and they address various Issues like drug abuse, health problems, incarceration, and poverty. OHA is at the forefront of compliance issues for iwi, water rights and public access.

The bottom line is the State SETTLED a \$200 million dollar payout with these lands fully knowing OHA needed to develop them in order to realize the full value of the settlement.

It is a matter of fairness to Native Hawaiians. I am disappointed that my district legislators did not support this matter. I hope that you will hear my voice in this matter and support SB3122.

Mahalo for your time.

**Testimony in Strong Opposition of SB3122**  
Allows Residential Planning and Development in  
Kaka'ako Makai

**LATE**

**House Committee on Finance**

April 1, 2014  
2:00 pm, Room 308

**Testimony in Strong Opposition to SB3122 that would allow residential development in  
Kaka'ako Makai.**

**Aloha House Committee on Finance:**

Chair Sylvia Luke, Vice Chair Aaron Ling Johanson, Vice Chair Scott Nishimoto

House Committee on Finance Representatives:

Ty J.K. Cullen, Richard H.K. Onishi, Mark J. Hashem, Gregg Takayama, Kaniela Ing, James  
Kunane Tokioka, Jo Jordan, Justin H. Woodson, Bertrand Kobayashi, Kyle T. Yamashita, Nicole  
E. Lowen, Beth Fukumoto, Dee Morikawa, And Gene Ward

My name is Wayne Takamine and I participated in the creation and approval of the Kaka'ako Makai Master Plan as the Chair of the Kaka'ako Makai Community Planning Advisory Council (CPAC). My background in Kaka'ako Makai goes back to 2005 when the HCDA presented its condominium development RFP. Public outcry strongly opposed residential development and in 2006, the legislature approved the prohibition of residential planning and implementation in Kaka'ako Makai and the sale of state land in Kaka'ako.

During the Kaka'ako Makai planning process, surveys were taken with various concepts for Kaka'ako Makai and residential development was consistently near the bottom of the list. A recent poll in the Honolulu advertiser showed 67% voted against allowing OHA to build residential.

**Should the Office of Hawaiian Affairs be allowed to develop condominiums on its Kakaako Makai sites?**

- **B. No (67%, 1,826 Votes)**
  - A. Yes (33%, 887 Votes)
- Total Voters: **2,711**

[Poll Archives](#)

**Start Date:** January 31, 2014 @ 12:00 am

**End Date:** January 31, 2014 @ 4:00 pm

During the 2012 legislative approval process for the OHA Ceded Land Settlement (SB2783 2012), OHA and the HCDA acknowledged in public testimony that the value "as is" of the Kaka'ako Makai land exchange was equal to the \$200 million without any changes to the law prohibiting the sale of state land in Kaka'ako and the prohibition of the planning and development or residential in Kaka'ako Makai (HRS 206E 31.5). The two bills that would allow residential development by OHA in Kaka'ako Makai (SB 2819 and HB 682) did not survive in 2012 due to strong public opposition.

On March 11, 2014 HB 2554 (SB3122 companion bill) was defer due to strong and compelling testimony in opposition presented at the joint Senate Economic Development, Government Operations and Housing Committee and Hawaiian Affairs Committee hearing. Testimony included the State Attorney General's office voicing strong concerns that this bill is not in accordance with the state constitution and that Kaka'ako Makai residential development projects will open the door for lawsuits. Options and renegotiations of the OHA's ceded land settlement were also voiced.

On March 19, 2014 the House Committee on Ocean, Marine and Hawaiian unanimously passed HR 124/HCR 164; requesting OHA to consider renegotiating the state's transfer of land to the OHA for disputed claims. This would help to create viable alternatives to augment the current OHA settlement.

Kaka'ako Makai residential development by OHA would not likely be sustainable could result in OHA losing ownership of the land to developers and/or tenants. The failed 2005 HCDA Condominium RFP required the state to sell Kaka'ako Makai land in partial exchange for the condo development. Leasing would also not likely to be sustainable with many rent/lease arrangements historically subjected to lease to fee simple conversion.

For most of Hawaii's middle class including the Hawaiian community, market prices for these makai units would be ultra-expensive and be out of touch.

On July 30, 2013 I participated in the OHA Kaka'ako Makai charette that was facilitated by a local consultants and I felt the primary goal for the workshop from the onset was to create a strategy for residential development entitlements. The charette for the most part did not revisit the Kaka'ako Makai Master Plan including the Vision and Guiding Principles approved by the HCDA in 2011 or consider a Hawaiian Community Cultural Center.

OHA and its communities can gain by implementing concepts included in the HCDA approved Kaka'ako Makai Conceptual Master Plan that was created by the community planning process beginning in 2006 and approved by the HCDA Board in 2011. As landowners OHA's should strongly consider the concepts provided for use by its Hawaiian Communities. The Master plan includes projects like the Museum for Hawaiian Music and Dance (\$35MM), Community Center (\$10MM), Performing Arts Venue (\$55MM). If these 3 projects were implemented by OHA they could have an "at cost" value of \$100 million according to the master plan. OHA could seek federal and state subsidies and grant money to plan and develop projects related to a Hawaiian Community Cultural Center to augment any fundraising activities.

If OHA were to move forward in developing these master plan concepts for the benefit of the Hawaiian Communities, these projects could help strengthen its communities by presenting project goals that will generate synergies within their communities to overcome challenges in the creation of these facilities and programs. OHA could then seek commercial partnerships with businesses that can manage the facilities to make them financially sustainable. The Hawaiian communities would benefit by perpetually owning these facilities and having access to surrounding areas for cultural practices and community gathering during non-business hours. The public will also benefit by being able to rent the facilities for special occasions or attend special events and productions.

As the spokesman for CPAC we strongly urge that SB3122 and any bill with residential development in Kaka'ako Makai be denied approval. I believe a good business plan will allow OHA will make sustainable revenue from the lands in Kaka'ako Makai for its future generations. Development related toward a Hawaiian Community Center for the preservation of its cultural heritage would bring the highest returns for the Hawaiian community. Planning and Negotiations by OHA suggested by HR 124/HCR 164 may prove to create better value for its Hawaiian Community.

Respectfully,

Wayne Takamine M.B.A.  
Kaka'ako Makai CPAC Chair

# KAKA'AKO MAKAI COMMUNITY PLANNING ADVISORY COUNCIL

## THE VISION FOR KAKA'AKO MAKAI

### *The Hawaiian Place of Ka'ākaukukui and Kukuluae'ō*

*Kaka'ako Makai is the community's gathering place. A safe place that welcomes all people, from keiki to kūpuna, with enriching cultural, recreational and educational public uses. A special place that continues the shoreline lei of green with scenic beauty, connects panoramic vistas mauka to makai, and encourages ecological integrity of land, air and sea. Kaka'ako Makai honors, celebrates and preserves its historic sense of place, Hawaiian cultural values and our unique island lifestyle for present families and future generations.*

## GUIDING PRINCIPLES

### **Community Cultural Gathering Place**

*Establish Kaka'ako Makai as a gathering place where community and culture converge in response to the natural scenic beauty of the green shoreline open space.*

- *Celebrate the intertwined cultures of the community by ensuring a welcoming gathering place for a broad cross-section of people diverse in age, income and ethnicity.*
- *Provide enriching public recreational, cultural and educational opportunities for residents and visitors alike through Kaka'ako Makai's scenic coastal and marine environment, the Native Hawaiian cultural heritage, compatible facilities and activities, and historic sites and settings.*

### **Hawaiian Culture and Values of the Ahupua'a**

*Base the framework for planning, decision-making and implementation of the Kaka'ako Makai master plan on Native Hawaiian values and traditional and customary rights and practices protected by the State. <sup>1</sup>*

- *Emphasize the host Hawaiian culture. <sup>2</sup>*
- *Incorporate the ahupua'a concept and spirit of caring for, conserving and preserving the self-sustaining resource systems necessary for life, including the land that provides sustenance and shelter, the natural elements of air, wind and rain extending beyond the mountain peaks and streams of pure water, and the ocean from the shoreline to beyond the reef where fish are caught.*
- *Adopt the ahupua'a lifestyle of individual kuleana working together and contributing to the whole for a greater level of stewardship, conservation, and proper management of resources with contemporary land-use benchmarks, such as growth boundaries and carrying capacity.*
- *Assure that the planning of collective or individual traditional features, settings, and activities will be overseen by Hawaiian historic and cultural experts to prevent misinterpretation or exploitation.*

<sup>1</sup> Hawaii State Constitution, Article XII, Section 7. Inform the planning process by the principles and traditions of the ahupua'a, and inspire the master plan by the interconnected relationship of people.

<sup>2</sup> §206E-34(c)(5), Hawaii Revised Statutes. The Hawaiian host culture is emphasized as pre-eminent yet inclusive of other cultures.

### **Open View Planes**

*Protect, preserve and perpetuate Kaka'ako Makai's open view planes from the mountains to the sea as an inherent value of the Hawaiian ahupua'a and an important public asset for residents, visitors and future generations. <sup>3</sup>*

- *Ensure planning and development safeguards to identify, document, retain, restore and protect makai-mauka and diamondhead-ewa open view planes to the Ko'olau mountains, Diamond Head (Lē'ahi) and the Wai'anae mountains as seen from the view vantage areas and vicinities of Kaka'ako Makai's public lands and Kewalo Basin Harbor.*

### **Coastal and Marine Resources**

*Preserve, restore and maintain Kaka'ako Makai's valuable coastal and marine resources for present and future generations.*

- *Enable the monitoring, protection, restoration, and conservation of natural coastal and ocean resources, including reef and marine life, through responsible stewardship and sustainable practices.*
- *Protect and sustain the coastal environment for cultural uses including fishing, ocean gathering, surfing and ocean navigation.*

## **Expanded Park and Green Space**

*Ensure expansion of Kaka'ako Makai's shoreline parks as significant landscaped open spaces <sup>4</sup> joining the lei of green parks extending from Diamond Head (Lē'ahi) to Aloha Tower.*

- *Implement the Hawaiian values of the ahupua'a and mālama 'āina by preserving shoreline open space, protecting scenic coastal and marine resources, and respecting the natural interaction of people, land, ocean and air.*
- *Welcome residents and visitors alike with green open space, abundant shade trees and opportunities for family recreation.*
- *Use the established park planning standard of at least 2 acres per 1000 residents as a benchmark to assure sufficiency of park space to contribute to the health and welfare of Kaka'ako Mauka's growing population and offset increased urban density, noise and pollution.*

## **Public Accessibility**

*Provide open and full public access to recreational, cultural and educational activities within and around Kaka'ako Makai's parks and ocean shoreline.*

- *Ensure complete public recreational access with minimal impact to the environment, including drop-off accommodation of ocean recreation equipment and connections to public transportation.*
- *Provide a shoreline promenade and tree-lined paths to safely and comfortably accommodate pedestrians, bicyclists and the physically impaired.*
- *Provide sufficient shared parking complementary to the natural setting to support all uses in Kaka'ako Makai, with workplace parking available for recreational and cultural users during non-working hours.*

<sup>3</sup> Significant Panoramic Views Map A-1, Honolulu Primary Urban Center Development Plan.

<sup>4</sup> Inclusive of Kewalo Basin Park, Kaka'ako Waterfront Park and Kaka'ako Gateway Park.

## **Public Safety, Health and Welfare**

*Ensure that Kaka'ako Makai is a safe and secure place for residents and visitors.*

- *Keep public use areas safe day and night for public comfort and enjoyment.*
- *Ensure that exposure to land and ocean is environmentally safe for people and marine life by assuring timely investigation, determination, and remediation of contaminants.*
- *Ensure that Kaka'ako Makai remains free and clear of elements, activities and facilities that may be potentially harmful to the natural environment and public well-being, including laboratories containing and experimenting with Level 3 or higher bio-hazardous pathogens and/or biological toxins known to have the potential to pose a severe threat to public health and safety. <sup>5</sup>*

## **Public Land Use Legislation –**

### **Public Use of Public Lands in the Public Interest**

*Recognize and respect the effort and intent of the Hawaii State Legislature to uphold the greater public interest by ensuring and sustaining public uses on Kaka'ako Makai State public lands for the greater public good.*

- *Preclude the sale of public land and development of housing in Kaka'ako Makai; <sup>6</sup>*
- *Demonstrate commitment to serve the highest needs and aspirations of Hawaii's people and the long-term good of Hawaii's residents and future generations through community-based planning; <sup>7</sup>*
- *Restore the site-dependent use of Kewalo Basin Cove to the Kewalo Keiki Fishing Conservancy. <sup>8</sup>*

## **Kewalo Basin**

*Ensure that Kewalo Basin Harbor's unique identity is retained with continued small commercial fishing and excursion boat uses, keiki fishing and marine conservation, marine research and education, and accessible green park open space expanding the lei of green between Ala Moana Park and Kaka'ako Waterfront Park.*

- *Enable continued functional commercial boating uses at Kewalo Basin Harbor <sup>9</sup> and preserve the beneficial relationships between the existing small commercial fishing and excursion boat businesses and land-based maritime support service businesses.*

- *Ensure that Kewalo Basin will continue as a State of Hawaii commercial harbor and valuable public facility asset by repairing, maintaining and enhancing the harbor for small commercial fishing and excursion boat use.*
- *Ensure the protected use of Kewalo Basin Cove for Kewalo Keiki Fishing Conservancy keiki fishing and marine conservation programs.*
- *Support Kewalo Marine Laboratory's continued valuable marine biology and ecosystems research and education in the vicinity of Kewalo Basin.*
- *Ensure preservation of Kewalo Basin Park, the net house and parking lot for public use, upgrade and improve existing facilities within the park, and provide green open space between Ala Moana Park and the channel frontage.<sup>10</sup>*

<sup>5</sup> Protection of the public health and safety is first and foremost in this area a) immediately adjacent to a Shoreline recreation area and the urban population center, b) in close proximity to a regional beach park and the Waikiki primary visitor destination, and c) within the updated tsunami zone.

<http://beta.abc3340.com/news/stories/1007/460171.html> [http://www.nytimes.com/2007/10/05/us/05labs.html?\\_r=1](http://www.nytimes.com/2007/10/05/us/05labs.html?_r=1)

<sup>6</sup> §206E-31.5, Hawaii Revised Statutes.

<sup>7</sup> HCR 30, 2006.

<sup>8</sup> Act 3, 2007, Special Session.

<sup>9</sup> §206E-33(2), Hawaii Revised Statutes.

## **Cultural Facilities**

*Offer public enrichment opportunities through both fixed and flexible cultural facilities that celebrate the diverse cultures of Hawai'i and blend compatibly with the shoreline open space.*

- *Contemplate compatible indoor and outdoor performance venues that encourage the teaching, practicing, and presentation of hula, theater, music, dance, and other performing and visual arts, with an outdoor multi-cultural festival space for Honolulu's diverse ethnic communities.<sup>11</sup>*
- *Contemplate educational facilities, such as an exhibition hall with permanent, interactive and rotating exhibits, museums communicating the cultural history of the area, and places for traditional Hawaiian cultural practices.<sup>12</sup>*
- *Establish a cultural market stocked by local farmers, fishers and Hawaiian traditional craft makers to reflect the Hawaiian values of gathering and trading in the ahupua'a between the mountains and the sea.<sup>13</sup>*
- *Ensure a community center for local families to gather, interact and learn from each other.*

## **Small Local Business**

*Apportion a limited number of small local businesses to assist in cooperatively sustaining Kaka'ako Makai's public use facilities.*

- *Ancillary small businesses may include diverse local restaurants, cafés, small shops, markets or other uses that will complement the recreational, cultural, harbor or other public facilities serving the community interest.<sup>14</sup>*
- *Encourage small local enterprises that emphasize the Hawaiian culture and support traditional local products, rather than large corporate retailing attractions.*

## **Site Design Guidelines –**

### **A Hawaiian Sense of Place in Landscape, Setting and Design**

*Ensure that Kaka'ako Makai's public use facilities are compatible in placement, architectural form, and functional design within the landscape of the shoreline gathering place.<sup>15</sup>*

- *Provide and maintain abundant native coastal plants and trees to blend the scenic and sensory qualities of the coastal environment and create a Hawaiian sense of place.*
- *Identify, protect, preserve, restore, rehabilitate, interpret and celebrate Kaka'ako Makai's historic sites, facilities, settings, and locations.*
- *Maintain the quality of coastal environmental elements including natural light, air and prevailing winds.*
- *Mandate sustainability principles, conservation technologies, and green building standards for buildings, grounds and infrastructure.<sup>16</sup>*

<sup>10</sup> Inclusive of greenbelt connections between Ala Moana Park and Kewalo Basin Park, between the Net House and Kewalo Basin Channel, and between Ala Moana Boulevard and Kewalo Basin to Point Panic.

<sup>11</sup> §206E-34(d)(3), Hawaii Revised Statutes.

<sup>12</sup> §206E-34(d)(5), Hawaii Revised Statutes.

<sup>13</sup> §206E-34(a) and (b), Hawaii Revised Statutes.

<sup>14</sup> §206E-34(d)(2), Hawaii Revised Statutes.

<sup>15</sup> Encourage private development mauka of Ilalo Street to compliment the gathering place concept of the Kaka'ako Makai public use area on public lands by providing landscaped set-backs and inviting open architecture at the street level.

<sup>16</sup> Ensure reasonable carrying capacity with limited infrastructure for sufficient water supply, storm-water drainage and waste disposal.

### **Community/Government Planning Partnership**

*The Kaka'ako Makai Community Planning Advisory Council places the public interest first and foremost, and will strive to uphold the greater good of the community in partnership with the HCDA as the public oversight agency by:*

- *Openly working with the community, the HCDA and the HCDA's planning consultants as guaranteed by government commitment to ongoing community representation and involvement throughout the master planning process;*

- *Openly communicating with the State Legislature and other elected public officials;*

- *Committing the time and effort required to meet the goals and objectives of the Kaka'ako*

*Makai planning process, and advocating responsibly in the public interest both collectively and individually, notwithstanding premature or conflicting proposals.*

### **Future Funding and Management**

*Assure and assist viable and sustainable operation of public uses and facilities on State public land in Kaka'ako Makai through public/private partnerships and 501(c)(3) non-profit management <sup>17</sup> similar to successful park conservancies and their stewardship programs.*

- *The community land conservancy will be essential in determining safeguards to restore, protect and perpetuate Kaka'ako Makai's natural shoreline resources and view planes, historic and recreational resources, and public uses on State public lands in the public interest as a quality of life benchmark.*

- *This conservancy may be a public/private partnership of the Kaka'ako Makai Community Planning Advisory Council (CPAC), the Hawaii Community Development Authority (HCDA) or current oversight agency, and private contributing interests to both monitor and underwrite public use on State public land in service to the public good. <sup>18</sup>*

<sup>17</sup> §206E-34(c)(3), Hawaii Revised Statutes.

<sup>18</sup> A public/private community benefits agreement may be developed upon completion of the master plan to define respective responsibilities and contributions.

## SUPPORT FOR SB3122

Nicole Mehanaokala Hind

**LATE**

Aloha mai kakou e na hoa aina,

My name is Nicole Mehanaokala Hind and I am in strong support of SB3122. I testify before you as a single mother, a daughter of a disabled mother, a teacher, and a Kumu Hula.

Although I currently live in Aliamanu and I am a proud graduate of Moanalua High School c/o 1990, I was born in Palolo valley where my parents struggled, as did my grandparents, my uncles, and aunties to make it through the harsh realities of urban Honolulu living. My grandparents are both from the island of Hawaii and they came to Honolulu for opportunity and instead, they were immediately institutionalized into systemic poverty.

I am the first of my ohana to graduate with a college degree with both a bachelors and a masters. With the stern work ethic of my ancestors, the values embedded in my cultural inheritance, and my advanced degrees, my family is no longer in poverty. I strive everyday to create the world my children can thrive in.

It took a village to create the woman in front of you today.

A part of that village was the Office of Hawaiian Affairs. As a young Native Hawaiian student at Moanalua High School, in a time when it wasn't cool to be Hawaiian, I received a letter in the mail inviting me to participate in the OHA program, Aha Opio, which was a program for Native Hawaiian high school students to participate in civic leadership and learn the processes by which citizens engage with government. Although OHA itself was only in its infancy, having opened the doors to their office in 1981, they understood the need to educate youth to our kuleana as leaders in our families, our communities, and our lahui.

After graduating with my bachelors degree I became the Academic Advisor at the Kamakakuokalani Center for Hawaiian Studies at the University of Hawaii Manoa for 11 years. While an Academic Advisor there, many of my Native Hawaiian Students were able to overcome the financial barriers of attending college through scholarships given out by the Office of Hawaiian Affairs, and for many, this college education will become the single most important factor in their families thriving for generations to come.

I have also witnessed the Office of Hawaiian Affairs supporting the traditional practices of Malama Aina at the University of Hawaii at Manoa when the term "malama aina" wasn't the cool catch phrase it is today. OHA funded the Taro farming and production courses and the traditional medicinal herbs courses, known commonly as the Loi Kalo and Laau Lapaau courses. These courses were, at one time, not seen as being academic and not relevant to students needs. The Trustees of the Office of Hawaiian Affairs understood the relevance and the rigor of



these traditional practices and they chose to fund it as a pilot to prove to the University of Hawaii that these traditional Native Hawaiian practices are not only relevant, they are needed! Till today, this strand of courses are two of the most popular, serving hundreds of students every semester from both within and external to the Hawaiian Studies degree.

As a Kumu Hula, my kuleana is not only to teach the art form of hula, but to teach the principles and rituals that are at the foundation of hula. Those principles and rituals are based on a relationship with our environment and a knowledge system which perpetuates and protects our environment for the generations to come. The Office of Hawaiian Affairs has, since its inception, been a leader in the fight to protect our natural resources for the benefit of all people who live in Hawaii. From funding the court battles to protect water resources, to acquiring land to protect it from future development like Waimea, Waiokele o Puna, Pahua, and the birthplace of my ancestors, Kukaniloko, OHA is actively engaging in environmental stewardship on behalf of all 500,000+ Native Hawaiians whose homeland this is and every resident of Hawaii.

As a single mother and a daughter/caretaker of a disabled parent, the programs that assist our communities in thriving are of great importance to me. The grant programs delivered by OHA infuse millions of dollars in communities from Hawaii to Papahānaumokuākea that my family, my extended family and my community is directly affected by.

The legislative advocacy efforts both here and in Washington D.C. affect policies and programs that protect our education, our health, our local economy and our environmental programs here in Hawaii that benefit all residents of Hawaii, not just Native Hawaiians. The compliance work of OHA protect all communities in Hawaii from burial desecration and the diminished quality of our natural resources by holding people, corporations and other entities accountable for their actions.

The Office of Hawaiian Affairs serves Hawaii. OHA is the only Hawaiian Trust mandated to serve all Native Hawaiians. It also carries the unstated, yet overwhelming kuleana to malama Hawaii. To do its best to malama the well being of the Hawaiian people and the resources of our homeland. Kakaako makai is one of the resources that will help make that happen.

The revenue from the lands resulting from the past-due revenue settlement of the State to OHA, a.k.a. Kakaako makai, will aid OHA in fulfilling its duty to its beneficiaries. I am in strong support of SB3122 because I believe in the work of the Office of Hawaiian Affairs and I know as a Kumu Hula, a Teacher, and a single mother, that what OHA is going to do in Kakaako will benefit our lahui Hawaii. I challenge this legislative body to fulfill the intent of their settlement and allow for what is being asked for in SB3122.

Aloha aina,  
Nicole Mehanaokala Hind

From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, April 01, 2014 11:37 AM  
To: FINTestimony  
Cc: noalania@gmail.com  
Subject: \*Submitted testimony for SB3122 on Apr 1, 2014 14:00PM\*



**SB3122**

Submitted on: 4/1/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Noalani Nakasone	Individual	Support	No

Comments:

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finance1

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From: Michael Kirk-Kuwaye <mkirkkuwaye@gmail.com>  
Sent: Tuesday, April 01, 2014 11:53 AM  
To: FINTestimony  
Subject: Testimony in strong opposition to SB 3122 SD2, HD2

**LATE**

Please keep residential units out of Kaka'ako Makai. Mauka will be developed, protect Makai for our children. The ocean area is a place of respite and healing...we all need this as life becomes more stressful, especially as income disparity increases.

Many of my friends and students (I teach ocean swimming dba JJ Swim & Fitness) and associates (engineers & architects) are harshly opposed to OHA building anything Makai of Ala Moana Blvd. **The public is upset and horrified that OHA would do this**, knowing very well that **it is illegal!**

There are other ways to raise money. Use your God given talents to create something righteous for the people, not just for a few developers, foreigners and well-heeled aristocrats.

Please keep the Aina open and clear for everyone to enjoy for this generation and for all generations to follow. It's the best way....it's PONO!

Aloha nui loa,

John Kobelansky Jr.

**LATE**



From: mailinglist@capitol.hawaii.gov  
 Sent: Tuesday, April 01, 2014 12:12 PM  
 To: FINTestimony  
 Cc: dkauano@gmail.com  
 Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 4/1/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Derek Kauano	Individual	Support	No

Comments: I urge the Finance Committee to support SB3122. Office of Hawaiian Affairs (OHA) funding makes a meaningful impact in the Native Hawaiian community today and I urge the Water & Land Committee to imagine OHA’s potential for impacting the Native Hawaiian community by supporting the creation of a sustainable revenue stream. I urge you to support SB3122, relating to residential entitlements for OHA’s Kaka’ako Makai properties. Passing SB3122 is simply the right thing to do for the State of Hawaii because it will help advance the state’s commitment to address the historical injustices committed against the Native Hawaiian people, through the creation of a sustainable revenue stream for the Office of Hawaiian Affairs’ (OHA) strategic priorities and increased allocation of revenue for community grants. I am a licensed attorney and a PhD student who has been a recipient beneficiary of Native Hawaiian programs generally. My testimony today is submitted in my own personal capacity. A sustainable revenue stream for OHA community grants, and other types of funding, is the lifeline to support programs necessary for the betterment of conditions of Native Hawaiians. I have both created and administered programs that used OHA funding. One such program has helped increase the number of Native Hawaiians admitted into law school as well as the number of licensed Native Hawaiian attorneys. OHA funding has also contributed to the development of some of America’s best law student indigenous rights/law advocates. University of Hawaii law students consistently win top awards in the only Indian law competition in the United States. Over the 22-year history of the National Native American Law Students Association’s annual moot court competition, University of Hawaii law students have won 36 awards. Last weekend, (February 28 – March 1) while competing at the University of Oklahoma, the University of Hawaii placed three teams in the top four teams in the competition. Again, I urge you imagine what the Native Hawaiian community can accomplish with your support of SB3122. Sincerely, Derek H. Kauano

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**LATE**

From: Keith Akana <kalaniakana@yahoo.com>  
Sent: Tuesday, April 01, 2014 12:12 PM  
To: FINTestimony  
Subject: SB 3122

Aloha kākou,

I am a Native Hawaiian beneficiary of OHA and am in strong support of OHA's Kakaako bills (HB2554/SB3122) because those lands were given to the OHA to settle long standing issues over money that they should be receiving to better the conditions of Native Hawaiians. The state has an obligation to Native Hawaiians and allowing OHA to generate more money to serve our people will further that obligation.

Mahalo nui me ka 'oiā'i'o,

Kalanikūmālokulokuokeali'imaika'i Akana

**LATE**

From: Kathy Owara-Takeo <ktakeo\_1999@yahoo.com>  
Sent: Tuesday, April 01, 2014 12:11 PM  
To: FINTestimony  
Cc: Sen. Roz Baker; senenglish@captitol.hawaii.gov; Sen. Gilbert Keith-Agaran; Rep. Mele Carroll; Rep. Kaniela Ing; repmckelvey@hawaii.capitol.gov; Rep. Joseph Souki; Rep. Justin Woodson; repyamashita@hawaii.capitol.gov  
Subject: I support SB3122

Aloha,

My name is Kathy Takeo and I am in strong support of SB3122. I reside in Wailuku, on the island of Maui. I have worked in programs serving Native Hawaiians for over 14 years and I have seen how youth, elderly, and entire communities have benefited greatly from OHA funding. In order for OHA to build their assets, they need to be able to develop Kaka'ako in a way that will help to maximize every effort to gain revenue so that they may continue to provide resources to the NH community. I believe they will do this in a way that is pono. Mahalo for this opportunity to share my mana'o.

Aloha no,

Kathy

finance1

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**LATE**

From: lisawv <lisawv@hawaiiantel.net>  
Sent: Tuesday, April 01, 2014 1:04 PM  
To: FINTestimony  
Cc: Rep. Gregg Takayama; sennishihira@capitol.hawaii.gov  
Subject: SB3122

My name is Lisa Watkins-Victorino and I am writing in support of SB3122. While the valuation of the land transferred to OHA was 200 million the actual revenue generation of those parcels is a fraction of that. I believe it was clear to the public that OHA intended to develop those parcels in some way to generate revenue for programs and services on behalf of its beneficiaries. It is time for the committee to do the right thing and support SB3122.

Mahalo,  
Lisa Watkins-Victorino

Sent from my Verizon Wireless 4G LTE smartphone





From: mailinglist@capitol.hawaii.gov  
 Sent: Tuesday, April 01, 2014 1:10 PM  
 To: FINTestimony  
 Cc: cfrith@fbsmgt.com  
 Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 4/1/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Cynthia Frith	Individual	Oppose	No

Comments: HCDA run amok! Stop residential development adjacent to Kakaako Waterfront Park  
 OPPOSE SB 3122 SD2 HD2 RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY  
 First, some history on why I strongly oppose SB3122: SB 3122 SD2 HD2 exempts OHA, now owner of several Kakaako Makai parcels, from the prohibition of residential development on land makai of Ala Moana Boulevard between Honolulu Harbor and Kewalo Basin. Residential development in Kakaako Makai was banned in 2006 by the legislature after massive citizen protests against an A&B proposal to construct several 200-foot condo towers there. HCDA law §206E-31.5...prohibits the authority (HCDA) from: (2) Approving any plan or proposal for any residential development in that portion of the Kakaako community development district makai of Ala Moana Boulevard and between Kewalo Basin and the foreign trade zone. In 2007 the legislature created the Kakaako Makai Community Planning Advisory Council (CPAC) made up of community members including native Hawaiians, created a series of guiding principles including: Establish Kakaako Makai as a gathering place where community and culture converge in response to the natural scenic beauty of the green shoreline open space. and Base the framework for planning, decision-making and implementation of the Kakaako Makai master plan on Native Hawaiian values and traditional and customary rights and practices protected by the State. An HCDA planning process (2006-2010) brought people together to guide the development of the Kakaako Waterfront for the benefit of not only the Kakaako community, but for all the people of Hawaii. (4/6/11 staff report) The result was a conceptual master plan for Kakaako Makai with 9 components, including Park expansion/enhancement and waterfront access, including parking and circulation. Oppose SB 3122 SD2 HD2 because this is the new reality as it relates to Kaka'ako makai: It overturns the current prohibition of residential development in Kakaako Makai, allowing OHA "to realize the maximum income" if developed for residential use. It allows OHA to "convey," i.e., to sell, the 3 parcels of public land identified in the bill to "third parties" to develop residential condos. It is "special legislation," meaning that under this bill only OHA can develop residential condos. The Hawaii Supreme Court found in the Hawaii Superferry case that legislation benefiting just one entity is unconstitutional. Thus, if requested, HCDA, who oversees Kakaako Makai in zoning and planning, would have to allow residential development on all land parcels. It exempts OHA from the requirement of dedication of land or facilities for public facilities as a condition of development. (HRS 206E- 12) It raises the height limit for 2 of the 3 parcels, from 200 feet to 400 feet. It allows residential development adjacent to Kakaako Waterfront Park, one of the last strips of open space and parkland with public access to the shoreline along the urban Honolulu coastline. It eliminates open space, which will be needed for the anticipated 30,000+ residents in the 30 new high-

rise towers proposed for Kakaako mauka of Ala Moana Boulevard. Residential development will restrict open access to shoreline fishing, diving and popular body boarding and surf sites as well as a waterfront promenade, picnic areas, and significant panoramic views. OHA knew of the residential restrictions when they accepted the Kakaako Makai property as settlement but now want to change the law in order to develop 4 or 5 condo towers. In 2006, when legislators prohibited residential development in Kakaako Makai, with only 1 lawmaker in each chamber opposing, it was evident that the legislature had spoken. Are legislators' votes only good for 8 years? ~~~~~ Mahalo for your attention to this most important Land Use Development activity.

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, April 01, 2014 1:10 PM  
To: FINTestimony  
Cc: dkapua@gmail.com  
Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

**SB3122**

Submitted on: 4/1/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kapua Keliikoa-Kamai	Individual	Support	No

Comments: Aloha Chair Luke and Committee Members, Please support SB3122 SD1 HD2 and allow OHA to develop residential lots on the designated TMKs within the newly stated guidelines. Mahalo. kapua

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**‘Īlio‘ulaokalani Coalition**  
**Advocating for the protection of native rights**

Rep. Sylvia Luke, Chair  
Rep. Scott Y. Nishimoto, Vice Chair  
Rep. Aaron Ling Johanson, Vice Chair  
Members of the Committee on Finance

**LATE**

**RE: Strong Support of SB3122, SD2, HD2 Relating to Hawaiian Community Development Authority**

Authorizes residential development by OHA on specified parcels in Kaka‘ako Mā kai subject to public hearing, HCDA approval, and association fees to fund services and projects. Exempts development from public facilities dedication requirement. Effective July 1, 2050.

Aloha Chair Luke, Vice Chairs Nishimoto and Johansen and Members of the Committee on Finance,

I am Vicky Holt Takamine, po‘o of ‘Īlio‘ulaokalani Coalition, a coalition of cultural practitioners who advocate for the protection of our native Hawaiian rights. In 2012 I testified against ACT 15 which transferred lands over to the Office of Hawaiian Affairs as a “settlement” to “effectively and **RESPONSIBLY** fulfill the constitutional obligation to native Hawaiians under article XII sections 4 and 6, of the State Constitution...”. I stress and underline the word **RESPONSIBLY**. The legislature was fully aware at the time of the settlement of the restrictions that were in place regarding development on the Kaka‘ako Mā kai properties. It's a dump. We can't develop it... Let's give it to the Hawaiians. You pushed for the settlement and encouraged the Office of Hawaiian Affairs to take the deal. You failed to act **RESPONSIBLY**. **You failed to fulfill the constitutional obligation to native Hawaiians mandated under article XII sections 4 and 6.** Under your current rules, residential development in this area is prohibited.

Now, you're in a very difficult position of having to make good on your promise to native Hawaiians and your promises to the surfers and the Kaka‘ako community. You have divided our community. We didn't create this situation, you did. You continue to pit native Hawaiians against others in our community. There's no easy way out.

As a native Hawaiian, I expect you to fulfill your obligation to native Hawaiians by passing this bill and allowing us to develop this dump just like you've made exceptions for everyone else. Like how you privatized native Hawaiian fishing grounds, the boat harbor and public beaches in Ko ‘Olina for the Ihilani and Aolani Resorts and private time shares. Like how you continue to allow development on our sacred sites up at Mauna Kea for observatories, Like how you allowed H-3 to built over heiau and burials in Halawa. This is not about OHA, this is about your obligation to settle claims with native Hawaiians from 1978.

I look forward to your decision. Should you have any questions please do not hesitate to contact me.

Mahalo nui loa

Vicky Holt Takamine  
‘Īlio‘ulaokalani Coalition  
vtakamine@gmail.com

From: mailinglist@capitol.hawaii.gov  
 Sent: Tuesday, April 01, 2014 2:04 PM  
 To: FINTestimony  
 Cc: michelematsuo@yahoo.com  
 Subject: Submitted testimony for SB3122 on Apr 1, 2014 14:00PM

LATE

**SB3122**

Submitted on: 4/1/2014

Testimony for FIN on Apr 1, 2014 14:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
michele matsuo	Individual	Oppose	No

Comments: There is now a new category of climate disaster risk added--see bottom article . We must be the only place in the world thinking of building new developments and a whole new city on the ocean in the inundation zone. The rest of the world is moving inland. I met with someone at the City last week and was given a map showing projected flooding above Kapiolani Blvd! But before that level of daily flooding, there will be contaminated fill lands getting wet and subsiding likely leading to a large number of utility line breakages. (During the 1870s, the shoreline was at Queen street so makai of Queen are filled lands. Further, 102 iwi kupuna were found in the 1988 Queen Street widening, so we should expect large numbers of more iwi kupuna if building is permitted in Kakaako.) Also possible and even likely, will be Oahu being hit with storm surge which will wet the fill material, too. The many utility line breaks likely will pollute the aquifer and likely require remediation prior to our workers fixing the lines. The pollution will likely flow into the ocean as well. I hate to think what will happen if the electric lines are cracked at the same time as well. The water level already is reportedly only 2-3 feet below the street level in some places. So, we can expect the flooding and wetting to occur in the relatively near future. Baby Hammerhead sharks already have been seen swimming in the streets of Mapunapuna. And the opposite of HCDA which thinks that the sewer smell in Kakaako is from not enough sewage, the City person I met with suspects that there is so much sewage which is moving so fast that vapor is releasing. Kakaako is not the place to be building our third city! Predictions for sustained storm surge for even category 3 and 4 storms are horrifically high (20-30 feet high)--higher than wiped out the island on the Philippines recently. Iniki was category 5 storm ! When building on crackable Karst, weight of the buildings matters. As recently as 1952 a building fell into the Karst tubing, at University Avenue and King Street. Please see the below two articles relating to the UN report on heightened global warming threat. Subject: Threat from global warming heightened in latest U.N. report The risks range from death to disrupted livelihoods in low-lying coastal zones and small islands, due to storm surges, coastal flooding, and sea-level rise, the report said. "Unless we act dramatically and quickly, science tells us our climate and our way of life are literally in jeopardy," U.S. Secretary of State John Kerry said in a statement. "Denial of the science is malpractice." <http://www.reuters.com/article/2014/03/31/us-climate-ipcc-idUSBREA2U00E20140331> "The world, in many cases, is ill-prepared for risks from a changing climate," the IPCC said on Monday, after the final text of the report was agreed. More warming increased the chance of harsh, widespread impacts that could be surprising or irreversible, it added. The risks range from death to disrupted livelihoods in low-lying coastal zones and small islands, due to storm surges, coastal flooding, and sea-level rise, the report said. Global warming dials up our risks, UN report says

<http://www.staradvertiser.com/news/apnews/international/article/?ID=6427821> "Things are worse than we had predicted" in 2007, when the group of scientists last issued this type of report, said report co-author Saleemul Huq, director of the International Centre for Climate Change and Development at the Independent University in Bangladesh. "We are going to see more and more impacts, faster and sooner than we had anticipated." The problems have gotten so bad that the panel had to add a new and dangerous level of risks. In 2007, the biggest risk level in one key summary graphic was "high" and colored blazing red. The latest report adds a new level, "very high," and colors it deep purple. You might as well call it a "horrible" risk level, said van Aalst: "The horrible is something quite likely, and we won't be able to do anything about it."

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Testimony in Support of SB 3122

**LATE TESTIMONY**

Relating to Hawaii Community Development Authority

COMMITTEE ON FINANCE

Representative Sylvia Luke, Chair

Representative Scott Y. Nishimoto, Vice Chair

Aloha Chair Luke, Vice Chair Nishimoto, and members of the Committee:

My name is Homelani Schaedel, a beneficiary of the Office of Hawaiian Affairs.

In my testimony on February 12, 2014 to the Senate Committees on Hawaiian Affairs and Economic Development, Government Operations and Housings I noted that it took 33 years, 5 months, and 5 days for the State to settle a long over due debt to Native Hawaiians. In truth, that debt has not been settled!

In 2012, both houses of the legislature reported to their respective leadership... "Your Committees recognize the value of these properties and believe that property values could be enhanced by certain entitlements that, while not specifically provided for in this measure, could be obtained at a future date".

OHA accepted these lands because at the time they were the best of the parcels being offered for the settlement. OHA understands responsible development and have compromised the resources at Kaka'ako Makai in order to balance income generation, and to address the demands of opposition for ocean access and preservation of open spaces.

Recently on TV there have been commercials about developing Kaka'ako as a place to live, work, and play. I look at that and say...except us! Others can, but not us...WHY?

It reminds me of when I was a girl. My grandmother and I would walk along the shores of Poka'i in Waianae and near the Rest Camp, I asked her why couldn't we walk on the land...she said because it was only for the military. What does that have to do with this hearing today...DISPARITY.

OHA accepted the parcels in Kaka'ako Makai because they were the best of what was being offered in 2012 knowing well the challenges they faced. But they did so with the implied opportunity to seek entitlements that could enhance the value of these parcels.

Since passage of Act 015 in 2012, OHA has returned to this very legislature to request "these certain entitlements"...not exceptions...entitlements. Time and time again, we have come before you...How dare you make us beg...and continue to hold us under your thumb because people don't want their "views" obstructed.

These were our lands, our ancestors walked and worked these lands. One can look mauka from Kaka'ako Makai and scan the lands that once thrived and supported our ancestors; today we see how others came, planted their seeds and have prospered greatly on these same lands. Where are they now?...long gone enjoying their prosperity.

One Hundred Twenty One Years and Seventy Three days...today, you have the power to settle this debt. Do not continue to promote this legacy of disparity for our people. Now is our time, unlike developers who came and left, we are here to stay. Under the guidance of OHA, these lands will once again thrive and prosper to support our people and we will welcome all, as we always have to malama and care for it for future generations.

Mahalo,  
Homelani Schaedel



**LATE**

Re: Hawaii Community Development Authority – Residential Housing in Kakaako Makai

Aloha mai kakou,  
Chair Luke , Vice chair Nishimoto, Co Vice Chair Johanson and House committee members of Finance,

My name is Juanita Mahienaena Brown Kawamoto, personal representative for Na Kupuna Moku O Ka Kūhihewa adopted by Na Kupuna Moku O Keawe, the Foster, Brown, Stockham, Smith, Akina, Prendergast, McShane, Samson Ohana and trust which is in strong opposition of SB3122 SD2 HD2

Residential Housing in Kakaako Makai is an unconstitutional, high risk, fiscally unsound and libelous disaster waiting to happen. The proper master planning for a project of this magnitude requires experience, consensus, financial capacity, uninterrupted leadership with focus and commitment and most of all complete community support. OHA has not demonstrated this ability to our Hawaiian community for the last 30 years of its existence. The quasi State agency called OHA to this date has continued to represent an inconsistency within its own administration and trustees for so many years that many Hawaiians such as our Ohana do not trust their decision making process and their ability to lead or follow through with the many previous commitments that are still left undone. We have observed over these many years – Bad audits, dysfunction within the organization and their business practices, the lack of transparency by limiting information to select groups who align themselves with particular factions and lack of policies and rules that are easily accessible to the public and Hawaiian beneficiaries. OHA's excessive internal budget for consultants and workforce is so ridiculous, private sector corporations could not possibly operate without receiving harsh recourse from their stockholders and investors!

The fact is that OHA is not fiscally capable to develop Kakaako without impacting a serious financial burden to our already fragile State and State agency budgets. OHA should not commit to joint venture developments with partners that the Hawaiian beneficiary has no knowledge of and what kind of business we will be involved in. OHA as a state agency is acting like the PLDC!

The division amongst the Hawaiian community regarding this issue has spilled over into the main stream media and community discussions and events. OHA has not managed this situation very well and in some cases have promoted the escalation of Hawaiians battling one another instead of finding a pono balance to bring us together.

Today, an 8.0 earthquake happened in Chile with the potential of Tsunami activities impacting the State of Hawaii.

The current Tsunami zone that exists in this area will already create additional fiscal concerns for anyone proposing housing development in these fast lands. We sympathize and understand the desperate need for OHA to resolve the financial losses imposed by accepting this very high risk and financially unsound settlement that has left the Hawaiian beneficiaries in a seriously precarious position and situation.

We want to recommend an ideal proposal for the Hawaiian beneficiaries –

Repeal the Kakaako settlement, return the land in trust to the Kakaako United kuleana to be protected in perpetuity, forever and give the Hawaiian community an existing revenue producing option to resolve the debt due the Hawaiian beneficiaries. Command OHA to create better business practices that our community can contribute to and assist in the building of our independent nation.

We strongly recommend Finance kill this bill.

Mahalo for the opportunity to testify.

# LATE TESTIMONY

## KAKA'AKO MAKAI COMMUNITY PLANNING ADVISORY COUNCIL

### THE VISION FOR KAKA'AKO MAKAI *The Hawaiian Place of Ka'ākaukukui and Kukuluae'o*

*Kaka'ako Makai is the community's gathering place. A safe place that welcomes all people, from keiki to kūpuna, with enriching cultural, recreational and educational public uses. A special place that continues the shoreline lei of green with scenic beauty, connects panoramic vistas mauka to makai, and encourages ecological integrity of land, air and sea. Kaka'ako Makai honors, celebrates and preserves its historic sense of place, Hawaiian cultural values and our unique island lifestyle for present families and future generations.*

### GUIDING PRINCIPLES

#### **#1 Community Cultural Gathering Place**

*Establish Kaka'ako Makai as a gathering place where community and culture converge in response to the natural scenic beauty of the green shoreline open space.*

- *Celebrate the intertwined cultures of the community by ensuring a welcoming gathering place for a broad cross-section of people diverse in age, income and ethnicity.*
- *Provide enriching public recreational, cultural and educational opportunities for residents and visitors alike through Kaka'ako Makai's scenic coastal and marine environment, the Native Hawaiian cultural heritage, compatible facilities and activities, and historic sites and settings.*

#### **#2 Hawaiian Culture and Values of the Ahupua'a**

*Base the framework for planning, decision-making and implementation of the Kaka'ako Makai master plan on Native Hawaiian values and traditional and customary rights and practices protected by the State.<sup>1</sup>*

- *Emphasize the host Hawaiian culture.<sup>2</sup>*
- *Incorporate the ahupua'a concept and spirit of caring for, conserving and preserving the self-sustaining resource systems necessary for life, including the land that provides sustenance and shelter, the natural elements of air, wind and rain extending beyond the mountain peaks and streams of pure water, and the ocean from the shoreline to beyond the reef where fish are caught.*
- *Adopt the ahupua'a lifestyle of individual kuleana working together and contributing to the whole for a greater level of stewardship, conservation, and proper management of resources with contemporary land-use benchmarks, such as growth boundaries and carrying capacity.*
- *Assure that the planning of collective or individual traditional features, settings, and activities will be overseen by Hawaiian historic and cultural experts to prevent misinterpretation or exploitation.*

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<sup>1</sup> Hawaii State Constitution, Article XII, Section 7. Inform the planning process by the principles and traditions of the ahupua'a, and inspire the master plan by the interconnected relationship of people.

<sup>2</sup> §206E-34(c)(5), Hawaii Revised Statutes. The Hawaiian host culture is emphasized as pre-eminent yet inclusive of other cultures.

### **#3 Open View Planes**

*Protect, preserve and perpetuate Kaka'ako Makai's open view planes from the mountains to the sea as an inherent value of the Hawaiian ahupua'a and an important public asset for residents, visitors and future generations.<sup>3</sup>*

- *Ensure planning and development safeguards to identify, document, retain, restore and protect makai-mauka and diamondhead-ewa open view planes to the Ko'olau mountains, Diamond Head (Lē'ahi) and the Wai'anae mountains as seen from the view vantage areas and vicinities of Kaka'ako Makai's public lands and Kewalo Basin Harbor.*

### **#4 Coastal and Marine Resources**

*Preserve, restore and maintain Kaka'ako Makai's valuable coastal and marine resources for present and future generations.*

- *Enable the monitoring, protection, restoration, and conservation of natural coastal and ocean resources, including reef and marine life, through responsible stewardship and sustainable practices.*
- *Protect and sustain the coastal environment for cultural uses including fishing, ocean gathering, surfing and ocean navigation.*

### **#5 Expanded Park and Green Space**

*Ensure expansion of Kaka'ako Makai's shoreline parks as significant landscaped open spaces<sup>4</sup> joining the lei of green parks extending from Diamond Head (Lē'ahi) to Aloha Tower.*

- *Implement the Hawaiian values of the ahupua'a and mālama 'āina by preserving shoreline open space, protecting scenic coastal and marine resources, and respecting the natural interaction of people, land, ocean and air.*
- *Welcome residents and visitors alike with green open space, abundant shade trees and opportunities for family recreation.*
- *Use the established park planning standard of at least 2 acres per 1000 residents as a benchmark to assure sufficiency of park space to contribute to the health and welfare of Kaka'ako Mauka's growing population and offset increased urban density, noise and pollution.*

### **#6 Public Accessibility**

*Provide open and full public access to recreational, cultural and educational activities within and around Kaka'ako Makai's parks and ocean shoreline.*

- *Ensure complete public recreational access with minimal impact to the environment, including drop-off accommodation of ocean recreation equipment and connections to public transportation.*
- *Provide a shoreline promenade and tree-lined paths to safely and comfortably accommodate pedestrians, bicyclists and the physically impaired.*
- *Provide sufficient shared parking complementary to the natural setting to support all uses in Kaka'ako Makai, with workplace parking available for recreational and cultural users during non-working hours.*

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<sup>3</sup> Significant Panoramic Views Map A-1, Honolulu Primary Urban Center Development Plan.

<sup>4</sup> Inclusive of Kewalo Basin Park, Kaka'ako Waterfront Park and Kaka'ako Gateway Park.

## **#7 Public Safety, Health and Welfare**

*Ensure that Kaka'ako Makai is a safe and secure place for residents and visitors.*

- *Keep public use areas safe day and night for public comfort and enjoyment.*
- *Ensure that exposure to land and ocean is environmentally safe for people and marine life by assuring timely investigation, determination, and remediation of contaminants.*
- *Ensure that Kaka'ako Makai remains free and clear of elements, activities and facilities that may be potentially harmful to the natural environment and public well-being, including laboratories containing and experimenting with Level 3 or higher bio-hazardous pathogens and/or biological toxins known to have the potential to pose a severe threat to public health and safety.<sup>5</sup>*

## **#8 Public Land Use Legislation – Public Use of Public Lands in the Public Interest**

*Recognize and respect the effort and intent of the Hawaii State Legislature to uphold the greater public interest by ensuring and sustaining public uses on Kaka'ako Makai State public lands for the greater public good.*

- *Preclude the sale of public land and development of housing in Kaka'ako Makai;<sup>6</sup>*
- *Demonstrate commitment to serve the highest needs and aspirations of Hawaii's people and the long-term good of Hawaii's residents and future generations through community-based planning.<sup>7</sup>*
- *Restore the site-dependent use of Kewalo Basin Cove to the Kewalo Keiki Fishing Conservancy.<sup>8</sup>*

## **#9 Kewalo Basin**

*Ensure that Kewalo Basin Harbor's unique identity is retained with continued small commercial fishing and excursion boat uses, keiki fishing and marine conservation, marine research and education, and accessible green park open space expanding the lei of green between Ala Moana Park and Kaka'ako Waterfront Park.*

- *Enable continued functional commercial boating uses at Kewalo Basin Harbor<sup>9</sup> and preserve the beneficial relationships between the existing small commercial fishing and excursion boat businesses and land-based maritime support service businesses.*
- *Ensure that Kewalo Basin will continue as a State of Hawaii commercial harbor and valuable public facility asset by repairing, maintaining and enhancing the harbor for small commercial fishing and excursion boat use.*
- *Ensure the protected use of Kewalo Basin Cove for Kewalo Keiki Fishing Conservancy keiki fishing and marine conservation programs.*
- *Support Kewalo Marine Laboratory's continued valuable marine biology and ecosystems research and education in the vicinity of Kewalo Basin.*
- *Ensure preservation of Kewalo Basin Park, the net house and parking lot for public use, upgrade and improve existing facilities within the park, and provide green open space between Ala Moana Park and the channel frontage.<sup>10</sup>*

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<sup>5</sup> Protection of the public health and safety is first and foremost in this area a) immediately adjacent to a Shoreline recreation area and the urban population center, b) in close proximity to a regional beach park and the Waikiki primary visitor destination, and c) within the updated tsunami zone.

<http://beta.abc3340.com/news/stories/1007/460171.html> [http://www.nytimes.com/2007/10/05/us/05labs.html?\\_r=1](http://www.nytimes.com/2007/10/05/us/05labs.html?_r=1)

<sup>6</sup> §206E-31.5, Hawaii Revised Statutes.

<sup>7</sup> HCR 30, 2006.

<sup>8</sup> Act 3, 2007, Special Session.

<sup>9</sup> §206E-33(2), Hawaii Revised Statutes.

## **#10 Cultural Facilities**

*Offer public enrichment opportunities through both fixed and flexible cultural facilities that celebrate the diverse cultures of Hawai'i and blend compatibly with the shoreline open space.*

- *Contemplate compatible indoor and outdoor performance venues that encourage the teaching, practicing, and presentation of hula, theater, music, dance, and other performing and visual arts, with an outdoor multi-cultural festival space for Honolulu's diverse ethnic communities.<sup>11</sup>*
- *Contemplate educational facilities, such as an exhibition hall with permanent, interactive and rotating exhibits, museums communicating the cultural history of the area, and places for traditional Hawaiian cultural practices.<sup>12</sup>*
- *Establish a cultural market stocked by local farmers, fishers and Hawaiian traditional craft makers to reflect the Hawaiian values of gathering and trading in the ahupua'a between the mountains and the sea.<sup>13</sup>*
- *Ensure a community center for local families to gather, interact and learn from each other.*

## **#11 Small Local Business**

*Apportion a limited number of small local businesses to assist in cooperatively sustaining Kaka'ako Makai's public use facilities.*

- *Ancillary small businesses may include diverse local restaurants, cafés, small shops, markets or other uses that will complement the recreational, cultural, harbor or other public facilities serving the community interest.<sup>14</sup>*
- *Encourage small local enterprises that emphasize the Hawaiian culture and support traditional local products, rather than large corporate retailing attractions.*

## **#12 Site Design Guidelines – A Hawaiian Sense of Place in Landscape, Setting and Design**

*Ensure that Kaka'ako Makai's public use facilities are compatible in placement, architectural form, and functional design within the landscape of the shoreline gathering place.<sup>15</sup>*

- *Provide and maintain abundant native coastal plants and trees to blend the scenic and sensory qualities of the coastal environment and create a Hawaiian sense of place.*
- *Identify, protect, preserve, restore, rehabilitate, interpret and celebrate Kaka'ako Makai's historic sites, facilities, settings, and locations.*
- *Maintain the quality of coastal environmental elements including natural light, air and prevailing winds.*
- *Mandate sustainability principles, conservation technologies, and green building standards for buildings, grounds and infrastructure.<sup>16</sup>*

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<sup>10</sup> Inclusive of greenbelt connections between Ala Moana Park and Kewalo Basin Park, between the Net House and Kewalo Basin Channel, and between Ala Moana Boulevard and Kewalo Basin to Point Panic.

<sup>11</sup> §206E-34(d)(3), Hawaii Revised Statutes.

<sup>12</sup> §206E-34(d)(5), Hawaii Revised Statutes.

<sup>13</sup> §206E-34(a) and (b), Hawaii Revised Statutes.

<sup>14</sup> §206E-34(d)(2), Hawaii Revised Statutes.

<sup>15</sup> Encourage private development mauka of Ilalo Street to compliment the gathering place concept of the Kaka'ako Makai public use area on public lands by providing landscaped set-backs and inviting open architecture at the street level.

<sup>16</sup> Ensure reasonable carrying capacity with limited infrastructure for sufficient water supply, storm-water drainage and waste disposal.

### **#13 Community/Government Planning Partnership**

*The Kaka'ako Makai Community Planning Advisory Council places the public interest first and foremost, and will strive to uphold the greater good of the community in partnership with the HCDA as the public oversight agency by:*

- *Openly working with the community, the HCDA and the HCDA's planning consultants as guaranteed by government commitment to ongoing community representation and involvement throughout the master planning process;*
- *Openly communicating with the State Legislature and other elected public officials;*
- *Committing the time and effort required to meet the goals and objectives of the Kaka'ako Makai planning process, and advocating responsibly in the public interest both collectively and individually, notwithstanding premature or conflicting proposals.*

### **#14 Future Funding and Management**

*Assure and assist viable and sustainable operation of public uses and facilities on State public land in Kaka'ako Makai through public/private partnerships and 501(c)(3) non-profit management<sup>17</sup> similar to successful park conservancies and their stewardship programs.*

- *The community land conservancy will be essential in determining safeguards to restore, protect and perpetuate Kaka'ako Makai's natural shoreline resources and view planes, historic and recreational resources, and public uses on State public lands in the public interest as a quality of life benchmark.*
- *This conservancy may be a public/private partnership of the Kaka'ako Makai Community Planning Advisory Council (CPAC), the Hawaii Community Development Authority (HCDA) or current oversight agency, and private contributing interests to both monitor and underwrite public use on State public land in service to the public good.<sup>18</sup>*

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<sup>17</sup> §206E-34(c)(3), Hawaii Revised Statutes.

<sup>18</sup> A public/private community benefits agreement may be developed upon completion of the master plan to define respective responsibilities and contributions.