

**SB3122**

**SD1**



**SB3122 SD1**  
**RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY**

Senate Committee on Judiciary and Labor

February 25, 2014

10:30 a.m.

Room 016

The Office of Hawaiian Affairs (OHA) **SUPPORTS WITH AMENDMENTS** SB3122 SD1, which would afford OHA the flexibility to seek limited residential development to explore revenue generating opportunities on 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 to advocate for and better the conditions of Native Hawaiians. Additionally SB3122 SD1 establishes a Kaka`ako Makai association fee to be used to benefit the larger public by providing resources for parking, open access, and security in Kaka`ako Makai.

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 being 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, 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 SD1 as the vehicle for the entitlements, we recommend certain amendments to strengthen and clarify the bill. Attached is our proposed SD2. It would revise the SD1 as follows:

1. A new Section 1 would be added to the bill to serve as a preamble linking the bill to OHA's constitutional and statutory mission and to the 2012 legislation by which the state transferred the Kaka`ako Makai land to OHA. Subsequent sections of the bill would be renumbered.
2. In what would now be Section 2 of the bill, subsections (a) and (f) of the proposed new section 206E-A, Hawai`i Revised Statutes, would be amended to more precisely identify the land parcels involved, consistent with Act 15.

In light of the above, OHA urges the Committees to **PASS** SB3122 SD1 with amendments. 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 legislature finds that the office of  
2 Hawaiian affairs was established under the Hawai'i State  
3 Constitution and Chapter 10 of the Hawai'i Revised Statutes to,  
4 among other responsibilities, advocate for and better the  
5 conditions of native Hawaiians and Hawaiians.

6           The legislature further finds that in order to fulfill its  
7 constitutional and statutory mission, found in sections 4 and 6  
8 of Article XII of the Hawai'i State Constitution and Chapter 10  
9 of the Hawai'i Revised Statutes, the office of Hawaiian affairs  
10 was given the responsibility to manage and administer lands,  
11 income, and proceeds set aside for the specific purpose of  
12 bettering the conditions of native Hawaiians and Hawaiians,  
13 including a pro rata portion of the public land trust. The  
14 legislature recognizes that the public land trust, created by  
15 the Admission Act of 1959, comprises former Hawaiian Kingdom  
16 crown and government lands, and is held in trust for the general  
17 public and native Hawaiians and Hawaiians. The legislature

1 recognizes that despite constitutional and statutory mandates,  
2 it was only after over thirty years of litigation and advocacy,  
3 including multiple Hawai'i Supreme Court decisions, that the  
4 legislature, the office of Hawaiian affairs, and the Governor  
5 agreed upon a transfer of lands to discharge claims relating to  
6 the nonpayment of public land trust revenues from the State to  
7 the office of Hawaiian affairs between November 7, 1978 and June  
8 30, 2012, as described in Act 15, Session Laws of Hawai'i  
9 2012. The legislature finds that Act 15 intended, in part, to  
10 provide the office of Hawaiian affairs with an opportunity to  
11 obtain land assets that can provide a revenue stream that will  
12 increase its capacity to deliver programs and services to its  
13 beneficiaries.

14 The legislature finds that lands transferred under Act 15  
15 may require certain residential entitlements to afford the  
16 office of Hawaiian affairs the necessary flexibility to obtain  
17 the meaningful revenue stream as intended under Act 15. Allowing  
18 residential development on certain lands transferred to the  
19 office of Hawaiian affairs will allow the agency to continue to  
20 carry out the State's moral and legal responsibilities to  
21 address the historical injustices suffered by the Hawaiian  
22 people, as well as the ongoing negative disparities relating to

1 the health, economic, housing, food security, educational, and  
2 environmental conditions of Native Hawaiians and their  
3 communities.

4 Accordingly, the purpose of this Act is to allow the office  
5 of Hawaiian affairs to seek residential development on a  
6 specified subset of land parcels transferred to the office of  
7 Hawaiian affairs pursuant to Act 15, Session Laws of Hawai'i  
8 2012, subject to public hearing and input requirements to hear  
9 and expressly consider the concerns of the public relating to  
10 the use and development of those parcels.

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

14 **"§206E-A Limited residential development in Kakaako;**  
15 **public hearing prerequisite; height limit; association fee.** (a)

16 The authority may approve any plan or proposal for any  
17 residential development in Kakaako on any parcels identified as  
18 tax map key 2-1-15-61 and Lots 1 and 9 of File Plan 2471 filed  
19 at the Bureau of Conveyances, State of Hawai'i, on February 23,  
20 2010; provided that the authorization for residential  
21 development pursuant to this section shall apply to each of  
22 these land areas even in the event that a parcel's official tax

1 map key or Lot number changes; provided further that approval  
2 may be granted only after the applicant seeking approval  
3 conducts a public hearing held in accordance with subsection  
4 (b), notwithstanding hearing procedures under chapter 91.

5 (b) Prior to submission to the authority of any plan or  
6 proposal for any residential development pursuant to this  
7 section, the applicant seeking approval shall hold a public  
8 hearing after notice is published, in accordance with section  
9 1-28.5, at least thirty days prior to the hearing. The notice  
10 shall include:

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

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

17 (c) Prior to submitting to the authority for approval any  
18 plan or proposal for residential development pursuant to this  
19 section, the applicant for approval shall fully consider all  
20 written and oral submissions allowed pursuant to subsection (b)  
21 with regard to the proposed residential development.

1       (d) Prior to approving any plan or proposal for  
2 residential development pursuant to this section, the authority  
3 shall hold a public hearing in accordance with subparagraph (b)  
4 of this section.

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

9       (f) Any other law to the contrary notwithstanding, the  
10 building height limit shall be four hundred feet for residential  
11 development pursuant to this section on the parcels identified  
12 by tax map key 2-1-15-61 and Lot 1 of File Plan 2471 filed at  
13 the Bureau of Conveyances, State of Hawai'i, on February 23,  
14 2010.

15       **§206E-B Kakaako makai association fee.** The authority  
16 shall determine a Kakaako makai association fee to be collected  
17 from all residential developments in Kakaako on lands identified  
18 in section 206E-A(a); provided that the fee shall be collected  
19 from residential owners.

20       **§206E-C Kakaako makai special account.** Kakaako makai  
21 association fees collected pursuant to section 206E-B shall be  
22 deposited into a special account in the Hawaii community



1 development revolving fund established in section 206E-16.  
2 Moneys from the special account shall be used to fund various  
3 services and projects, including but not limited to maintenance,  
4 improvements, free public parking for park users, public beach  
5 access, security, and parks and open spaces, for the Kakaako  
6 community development district makai of Ala Moana boulevard and  
7 between Kewalo basin and the foreign trade zone. Disbursements  
8 from the account shall be made in accordance with procedures  
9 adopted by the authority and approved by the director of  
10 finance."

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

13 **"§206E-12 Dedication for public facilities as condition to**  
14 **development.** The authority shall establish rules requiring  
15 dedication for public facilities of land or facilities, or cash  
16 payments in lieu thereof, by developers as a condition of  
17 developing real property pursuant to the community development  
18 plan. Where state and county public facilities dedication laws,  
19 ordinances, or rules differ, the provision for greater  
20 dedication shall prevail.

21 This section shall not apply to lands identified in section  
22 206E-A(a)."

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

3 "[+]§206E-31.5[+] **Prohibitions.** Anything contained in  
4 this chapter to the contrary notwithstanding[7] and except as  
5 provided in section 206E-A, the authority is prohibited from:

6 (1) Selling or otherwise assigning the fee simple interest  
7 in any lands in the Kakaako community development  
8 district to which the authority in its corporate  
9 capacity holds title, except with respect to:

10 (A) Utility easements;

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

12 (C) Grants to any state or county department or  
13 agency; or

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

16 (2) Approving any plan or proposal for any residential  
17 development in that portion of the Kakaako community  
18 development district makai of Ala Moana boulevard and  
19 between Kewalo [~~Basin~~] basin and the foreign trade  
20 zone."

21 SECTION 5. In codifying the new sections added by section  
22 1 of this Act, the revisor of statutes shall substitute

1 appropriate section numbers for the letters used in designating  
2 the new sections in this Act.

3 SECTION 6. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

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

DRAFT

**Report Title:**

Hawaii Community Development Authority; Residential Development

**Description:**

Authorizes residential development on certain specified parcels of land owned by the Office of Hawaiian Affairs in Kakaako. Requires applicants for residential development to hold a public hearing regarding a plan or proposal for residential development in Kakaako and consider all written and oral submissions from the hearing prior to submitting the plan or proposal to HCDA for approval. Requires HCDA to hold a public hearing and fully consider all written and oral submissions received at the hearings held by the applicant and the HCDA prior to approving any plan or proposal for residential development. Establishes a Kakaako makai association fee and Kakaako makai special account to fund various public services and projects in Kakaako. Exempts the Office of Hawaiian Affairs from section 206E-12, regarding the dedication of public facilities by developers as a condition of development in Kakaako. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

# Kaka'ako Ūnited

Testimony of  
Sharon Y. Moriwaki  
Before the  
Senate Committee on Judiciary

Wednesday, February 25, 2014, 10:30 a.m., Conference Room 016

**In Strong Opposition to SB 3122 SD1  
Relating to the Hawaii Community Development Authority**

Chair Hee, Vice Chair Shimabukuro and Members

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

SB 3122 SD1, 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.

We strongly oppose SB 3122 SD1 and urge the bill be filed.

Thank you for the opportunity to testify.

**KŪ: Kaka'ako Ūnited**  
415 South Street Main Office • Honolulu, Hawaii 96813  
[www.kakaakounited.org](http://www.kakaakounited.org) • [info@kakaakounited.org](mailto:info@kakaakounited.org)



*Ensuring the quality of life for an integrated Kaka'ako community from mauka to makai.*

# Kaka'ako Ūnited

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*Ensuring the quality of life for an integrated Kaka'ako community from mauka to makai.*

**Senate Committee on Judiciary and Labor**  
**Tuesday, February 25, 2014**  
**10:30 AM Hearing**  
**Conference Room 016**

**Strong Opposition to Senate Bill 3122, SD1**

Senate Bill 3122 is clearly a clandestine maneuver to undermine HRS 206E-31.5, the statutory protection of Kaka'ako Makai's public shoreline lands in the public interest.

This measure makes a mockery out of the Legislature's intent to protect Kaka'ako Makai, Honolulu's last open shoreline area available for public use.

Between 2007 and 2010, on the advice of HCR 30, 2006, and following the intent of HRS 206E-31.5, a significant community-based planning process was undertaken for the Kaka'ako Makai area as a community gathering place with public cultural, recreational and educational benefits.

In 2012, OHA accepted the Kaka'ako Makai land settlement clearly aware of the public-interest prohibition against residential development within this shoreline area.

Given the Attorney General's "special legislation" concerns, if the statute is altered for one special interest, others will surely follow:

Three towers planned for the 7-acre so-called "piano lot" in 2006 were discouraged by the State Legislature via HCR 30 and further denied by the statutory prohibition protecting the public interest. By allowing residential tower development on this lot and others in Kaka'ako Makai, the floodgates will open to massive high-density development of this shoreline area.

Predictably, multiple high-density residential towers 400 feet tall would then line both sides of Ala Moana Boulevard from Kewalo Basin to South Street, and the result of this massive development initiative by the HCDA and OHA public agencies, who should clearly be acting in the public interest, will be a concrete canyon abutting both sides of Ala Moana Boulevard with a wall of towers up to 400 feet in height blocking the *documented significant public views and traditional cultural orientation of the shoreline to the mountains from Kaka'ako Makai's public shoreline.*

Should Kaka'ako Makai become devoured by such shoreline residential high-rise development as is currently contemplated and proposed, the expected population of 30,000 to 45,000 residents in Kaka'ako Mauka compared to today's 12,000 will not have the needed public benefits that this last remaining Honolulu public shoreline area is presently available to provide.

The national planning standard is 2 to 2 1/2 acres of urban recreational open space per 1000 capita. With high-density residential development choking out needed public open spaces, community facilities, and cherished views, Kaka'ako Makai will fall far short of what is required to benefit the health and welfare of Kaka'ako's expected population.

I agree with the sound alternative provided by Senator Chun-Oakland and members of the Hawaiian Community during the Senate's previous discussion of this misguided measure:

That other land mauka of Kaka'ako Makai should be found to satisfy OHA's needs as a public agency - not as a private residential developer of public shoreline land.

**Please HOLD this misguided measure.**

Michelle S. Matson, Founding Member  
Kaka'ako Makai Planning Advisory Council



## Testimony in Opposition to SB 3122 SD1

*Committee on Judiciary and Labor, Senator Clayton Hee, Chair  
Tuesday, February 25, 2014  
10:30 am, Conference room 016, State Capitol  
Testimony in opposition to SB 3122 SD1*

I Strongly Oppose SB 3122 SD1, the proposal for any residential development in Kaka'ako Makai.

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.

During the Kaka'ako Makai planning process, surveys were taken with various concepts for Kaka'ako Makai and residential development was 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 the value "as is" of the Kaka'ako Makai land exchange was equal to the \$200 million without any changes to HRS 206E 31.5, 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.

In the previous SB3122 hearing on February 12, 2014 by the Senate Hawaiian Affairs and Economic Development, Government Operations and Housing Committees, the Attorney General voiced strong concerns that this bill is not in accordance with the state constitution. The AG's office stated that this bill may place a cloud over Kaka'ako Makai residential development projects that will open the door for lawsuits. A prominent member of the senate Hawaiian Affairs committee mentioned that if the issue is housing for Hawaiians land outside of Kaka'ako Makai could and may still be considered. It was also emphasized by the senator that residential in Kaka'ako Makai was not on the table during the approval of OHA Land Settlement (SB2783).

OHA and its communities can gain from the implementation of the HCDA approved concepts in the Kaka'ako Makai Conceptual Master Plan that was created by the community planning process that began in 2006 and was approved by the HCDA Board in 2011. As landowners OHA's should strongly consider the opportunities provided by these planning concepts for use by its Hawaiian Communities. 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.

If OHA were to move forward in developing these master plan concepts for the benefit of the Hawaiian Communities, they could pursue funding from the legislature or pursue grant programs for development and construction plans for these projects. This could help OHA strengthen its communities by presenting project goals that can create synergies within their following as they pursue funding and development challenges for the creation of these facilities. OHA could then seek commercial partnerships with businesses that can manage the facilities to make them financially sustainable. The Hawaiian communities would benefit by having access to the facilities and 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 at the venues.

I participated in the July 30, 2013 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 get 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.

Other concerns related to residential development is the fact that it would be difficult for OHA to retain ownership of the land once people are living on the property. For the HCDA RFP condo development in 2005, the state was to sell land in Kaka'ako to the developers that were building the condominiums. So it would appear that revenue from residential development would not likely be reoccurring over the years and the land may eventually be converted from lease to fee simple.

I strongly urge that SB 3122 SD1 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. Some of these components are in the Kaka'ako Makai Conceptual Master Plan approved by the HCDA in 2011.

Respectfully,  
Wayne Takamine



Committee on Judiciary and Labor, Senator Clayton Hee, Chair  
Tuesday, February 25, 2014  
10:30 am, Conference room 016, State Capitol

**Testimony in Opposition to SB 3122 SD1**

My name is Ron Iwami, president of Friends of Kewalos. We and thousands of others live the ocean lifestyle everyday. Here in Hawaii, our lives are tied to the land and ocean, just as much a part of us as we are of it. It is imperative that we protect and preserve this oceanfront land and all that it offers for the sake of who we are to become as a People.

OHA now has the opportunity before them to do exactly this, as they have asserted, as good stewards of this land. However, with all due respect, I am saddened by the direction they are taking. One of the first things they did after getting this land was to propose to weaken the no residential law that was created by the *Will of the People* in 2006. This law exists to protect and preserve this land for public use. In the same breath, they want to double the height limit from 200 feet to 400 feet to enable them to build their 40 story skyscrapers with unobstructed ocean views and sell the units for millions. For who? I ask.

Only the select few who have the means to buy in will be able to enjoy this land. All of this in the name of the "highest and best use" for the almighty dollar. How long before the money they made will run dry but the skyscrapers would still remain as sad reminders of what took place.

Do we not want our keiki to know that they live in a place that values the land and ocean with all its splendor as much as we value the almighty dollar?

Our worst fear is that any exception to the law will set a bad precedent and the flood gates will open and more high-rises will come. Is this what we want for this land?

Two years ago OHA graciously accepted this land with all its provisions from the People. It is our hope that they graciously develop this last public oceanfront land for all the people of Hawaii to enjoy for the sake of our keiki and their keiki and who they will become as the future People of Hawaii. We must not lose sight of this.

Mahalo for this opportunity to testify and share my mana'o.

Ron Iwami  
Friends of Kewalos

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**Cc:** [pohlca@aol.com](mailto:pohlca@aol.com)  
**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Monday, February 24, 2014 10:04:06 AM

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**SB3122**

Submitted on: 2/24/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bill Brown	Pana'ewa Hawaiian Home Lands Community Association	Support	No

Comments: As a native Hawaiian community we fully support this bill. We need OHA to continue to provide the resources needed to sustain our native Hawaiian Programs, such as education, culture, entitlements, providing resources, and advocating for native Hawaiians. We submit our full support in this measure. Mahalo ke Akua in sharing our need(s) and condition(s) within the islands.

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**Date:** Saturday, February 22, 2014 8:18:38 AM

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**SB3122**

Submitted on: 2/22/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments:

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**Date:** Saturday, February 22, 2014 2:11:58 PM

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**SB3122**

Submitted on: 2/22/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments:

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**SB3122**

Submitted on: 2/22/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Clara K Morikawa	Individual	Oppose	No

Comments: Follow the Law: NO residential development in Kakaako Makai. To make an exception is to open "Pandora's Box"....you will not be able to say "no" to other future requests. Also, the Office of Hawaiian Affairs should NOT be exempt from Section 206E-12 regarding the dedication of public facilities by developers. STOP MAKING EXCEPTIONS!!!

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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**Date:** Saturday, February 22, 2014 6:32:41 PM

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**SB3122**

Submitted on: 2/22/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments: The 400 foot height negatively impacts Kewalo. Please consider retaining the 200 foot height limit regardless of residential or commercial use.

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**Cc:** [paulallen@hawaii.rr.com](mailto:paulallen@hawaii.rr.com)  
**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Saturday, February 22, 2014 6:43:43 PM

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**SB3122**

Submitted on: 2/22/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments: I would like to request the height limits remain at 200 feet. We don't need a shear wall of building along the coast line. At 200 feet it will at least appear as some sort of step development that would be more visually appealing.

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**Cc:** [ckkimura@gmail.com](mailto:ckkimura@gmail.com)  
**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Saturday, February 22, 2014 9:34:23 PM

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**SB3122**

Submitted on: 2/22/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments: I am opposed to SB3122. No residential development should be allowed in Kakaako Makai. Providing an exception to OHA opens the door for any developer to ask for the same exception - it sets a dangerous precedence. I don't want Kakaako to resemble Waikiki. We must preserve the makai lands of Kakaako for open spaces -- no high-rise development should be allowed here.

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To: [JDLTestimony](#)  
Cc: [cfrith@fbsmgt.com](mailto:cfrith@fbsmgt.com)  
Subject: Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
Date: Sunday, February 23, 2014 6:46:04 AM

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**SB3122**

Submitted on: 2/23/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Cynthia Frith	Hawaiian Alliance	Oppose	No

Comments: Many do not believe the Kaka'ako Makai settlement was the best possible solution for OHA. Some feel that land on our other islands should have been considered for agricultural, residential, and commercial uses by OHA. Many would not have supported the OHA settlement bill if it had included exemptions to the prohibition of residential development in Kaka'ako Makai. In 2011, a companion bill to the OHA settlement bill was proposed to include exemptions to the law that prohibits residential development in Kaka'ako Makai - and failed. Many believe that there are now other options. Many believe the land valuation of \$200 million in the settlement bill without the addition of residential development is correct "as is." The Attorney General's office has voiced concerns in written and oral testimony relating to SB 3122 and HB 2554. Both allow exemptions to the law prohibiting the planning and development of residential in Kaka'ako Makai. The AG's representative stated that they believe SB 3122 and HB 2554 if allowed would be in violation of the State Constitution because it is "special legislation" and could result in lawsuits. The AG's office believes only an amendment to the State Constitution could allow this exemption for OHA and changes to the law prohibiting the planning and development of residential in Kaka'ako Makai. OHA planning sessions were conducted in 2013 by paid consultants to determine the "best use" for OHA lands within the Kaka'ako Makai shoreline area. Participants included the OHA board of Trustees, staff and other OHA representatives; Kaka'ako developers and landowners, including Howard Hughes and Kamehameha Schools; residential developers; the HCDA executive director; Kaka'ako Senator Galuteria, and the Hawaii Tourism Authority representative among others. The community-based Kaka'ako Makai Master Plan, including the Vision and Guiding Principles that were well established by the community and approved by the HCDA in 2011, was not included in the results of this discussion. It was clear from the 2013 OHA Kaka'ako Makai planning sessions led by OHA's paid consultants that the primary goal for this workshop from the beginning was to allow high density residential development in Kaka'ako Makai by overturning the protective shoreline public-interest law that prohibits this. Overturning this law is the purpose of Senate Bill 3122. Public interest be damned!

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**Date:** Sunday, February 23, 2014 6:46:05 AM

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**SB3122**

Submitted on: 2/23/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments: I strongly oppose this bill and any bill allowing any residential development in Kakaako Makai.

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**From:** [Spencer Leineweber](#)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Sunday, February 23, 2014 1:36:59 PM

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**Please do not allow residential development in Kaka‘ako Makai. This last public oceanfront land shall be for all the People of Hawaii to enjoy and not be restricted to only a few.**

**This is the ONLY green space along the waterfront between Waikiki and downtown; please preserve it for everyone.**

--

Spencer Leineweber FAIA, Architect

Tel: +1.808.956.7225 [spencer.leineweber@gmail.com](mailto:spencer.leineweber@gmail.com)

**From:** [Todd Yoshizawa](#)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Sunday, February 23, 2014 2:35:43 PM

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Aloha, my name is Todd Yoshizawa and I am writing testimony in opposition to SB 3122 SD1. I believe that we should NOT develop residential property or build buildings up to 400 feet in Kakaako Makai. It is such a priceless area that should be for all the people of Hawaii to enjoy. There are too many areas makai that have been shutting out people through access, parking, views, and space. We all need to say enough. We all need to hold strong and not sell out for a quick buck. This area is priceless. Let's treat it that way for our children's children.

Mahalo,  
Todd Yoshizawa  
47-606a Ahuimanu Road  
Kaneohe, Hi 96744

Sent from my iPhone

I Strongly Oppose [SB 3122](#), the proposal for residential development in Kakaako.

My name is Jeremy Lam and i Live in Manoa. My family and friends and I make up the greater Oahu community and do not live in Kakaako. We value Kakaako Makai and want to see that it will be continued to utilized by our island residents. We fought hard to keep Alexander and Baldwin from building two high rise condominiums in the recent past. This was made into law. Now OHA and a number of political supporters want to increase their bottom line and change the law. This would be a tragedy for the community, but a monetary bonanza for OHA. There are very few beaches that the community can use. When I ask my patients where their family goes for a beach outing in town, only Ala Moana and Kaimana and Kakaako seem to be available (to 500,000 people). Kakaako has already been increasingly intimidating to Oahu residents with its traffic and new wedding chapels and homeless and construction and noise. With the intrusion of high rise condominiums, there is no question that residents will face more limited access to the waterfront. Of course many others are concerned about aging infrastructure, the intrusion zones of water from sea level change, the increasing density, the influx of congestion along the limited street lanes of Ala Moana Boulevard, and the unintended consequences of 22 more skyscrapers on the Kakaako Mauka side of the street. But many of us are especially concerned about the open space and beach access for the public. OHA accepted their property and were aware of the laws when they signed an agreement with the State. Please do not add more high rise housing at Kakaako Makai. Please help us by opposing SB 3122. Thanks you for this opportunity to give testimony.

Jeremy Lam. M.D.

2230 Kamehameha Avenue

Honolulu, HI 96821

[drjlam@aol.com](mailto:drjlam@aol.com)



**From:** [michelle.hsia](#)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Sunday, February 23, 2014 3:17:32 PM

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***Committee on Judiciary and Labor, Senator Clayton Hee, Chair  
Tuesday, February 25, 2014  
10:30 am, Conference room 016, State Capitol  
Testimony in opposition to SB 3122 SD1***

***"Please do not allow residential in Kaka 'ako Makai. This last public oceanfront land shall be for all the People of Hawaii to enjoy."***

*Michelle Hsia*

**From:** [Stephen T. Hazam](#)  
**To:** [JDLTestimony](#)  
**Subject:** SB3122: Please OPPOSE  
**Date:** Sunday, February 23, 2014 3:20:10 PM

---

Please oppose SB3122. We should not allow residential highrises on waterfront land. These areas should be left open so that all of the public can enjoy the land and the view.

Please oppose SB3122.

Thank you for allowing me to submit testimony.

Mahalo,

Stephen T Hazam

Stephen T. Hazam  
1288 Kapiolani Blvd., #1104  
Honolulu, HI 96814-2867  
Tel: 808-593-2798  
<http://www.linkedin.com/in/stephenhazam>

**From:** [shockleyjr@gmail.com](mailto:shockleyjr@gmail.com)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1 Seaside Variance Law for OHA.  
**Date:** Sunday, February 23, 2014 4:02:36 PM

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**Aloha Senator Hee and All in attendance!**

**It is destructive when laws are passed to circumvent existing laws in the name of private interests. SB 3122 is one of these despicable laws seeking to circumvent Hawaii State Law HRS 206E that was enacted after strong public pressure moved the Legislature to act responsibly. The Office of Hawaiian Affairs has barely received trust land from the State along the Kaka'ako and Kewalo Basin shores and already they are hustling a variance law so they can profit from the land given to them.**

**We note that there isn't even one Senatorial voter to cast a "Nay!" vote on this Bill in committee readings. Senators Galuteria, Shimabukuro, Kidan, Schlom, Dela Cruz, English, Wakai, Chun and Oakland have found some reason to forward this Bill for Senate consideration. Is there no elected official ready to stand up for existing State Law driven by the will of the people? The people of Hawaii need land near the water for recreation, not for residential development.**

**Kokua—Malama our a'ina. Please say no to SB 3122 and save Honolulu's last remaining shoreline for future generations.**

**Mahalo for your time.**

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

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**Date:** Sunday, February 23, 2014 6:25:41 PM

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**SB3122**

Submitted on: 2/23/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David W. Hall	Individual	Oppose	No

Comments: No entity seeking to develop in or around Kakaako should have any special treatment and should be required to comply with all regular regulations.

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**Cc:** [sundownertoni@yahoo.com](mailto:sundownertoni@yahoo.com)  
**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Sunday, February 23, 2014 7:07:43 PM

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**SB3122**

Submitted on: 2/23/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments: I strongly oppose this bill. The public overwhelmingly supported the ban on development of Kakaako Makai in 2006. OHA knew this when it took over the land. OHA should NOT be allowed to take away this last stretch of open space along our shoreline.

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**From:** [Curtis Tanaka](#)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Sunday, February 23, 2014 7:09:59 PM

---

To Whom This Concerns:

I'm writing this testimony in opposition to SB 3122 SD1 in hopes of preventing the development of residential structures on the "makai" side of Ala Moana/Kewalo/Kakaako area, one of the last open area for our "keiki" and the People of Hawaii.

Fifty years ago, as a kid I remember anxiously awaiting for my father to pick up the family after work, as my Mom prepared our "bento". With "paipo board" in hand I watch the Lurline round Diamond head from our home just above the University Of Hawaii knowing we were heading for the beach. Sunset picnic dinner at the "Wall" was an every other day event for our family for many years.

Sadly, "Pops" past last year (October'13), but his love for the ocean and outdoor never wavered. Even when his health was failing, he still found strength to go on family picnics. Seeing the joy in his eyes, he would said "food always taste better at the beach". He would ride his wheelchair to the end of the jetty at kewalo asking what the fisherman were catching and watched the surfers catch the big one.

Please don't take the "TASTE" away.

Mahalo, Curtis Tanaka

**From:** [Lila Gardner](#)  
**To:** [JDL Testimony](#)  
**Subject:** SB3122  
**Date:** Sunday, February 23, 2014 7:11:21 PM

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My name is Lila Gardner and am a resident of Makiki, 'Oahu, Hawai'i--- I strongly urge you NOT to support SB3122-- We must stop the overdevelopment of residential building in Kakaako and give much more serious consideration to the infrastructure there to accommodate such an increase in the population. We seem to have given up on protecting the "aina" in favor of \$ -- and that would appear to be what OHA is about as well. We have existing laws in place to protect and yet we seem to be willing to offer "some exceptions to those laws" --- why ? This makes no real sense and will only be detrimental to all of us in the long run. Please do not support SB3122! Thank you, Lila Gardner

**From:** [Susan Ortiz](#)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Sunday, February 23, 2014 7:31:07 PM

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Aloha Senator Hee,

So here we are, reduced to mere groveling. Groveling for the life of the land. Groveling for the simple right to enjoy the aina. To enjoy the grass. To enjoy open space. To enjoy access to the ocean. To enjoy uncluttered blue skies.

Where have all the warriors gone? The protectors of the land are less and less. Perhaps apathy, perhaps there is no land left worth fighting for.

Stand for righteousness. Perpetuate what is pono.

Mahalo for allowing me to share from my heart.

Aloha,  
S. Hauoli Ortiz  
Laie



**From:** [Jennifer Chiwa](#)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in Support of SB 3122 SD 1 for 2/25/14 10:30 am Hearing  
**Date:** Sunday, February 23, 2014 8:40:52 PM

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Aloha Members of the Committee on Judiciary and Labor. Please support SB 3122 SD 1 which, 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

**Francine H. Gora  
938-B Alewa Dr.  
Honolulu, HI 96817  
PH. 808 356-8448**

TO: Senator Maile Shimabukuro, Chair & Members  
Committee on Hawaiian Affairs

Senator Donovan M. Dela Cruz, Chair / & Members  
Committee on Economic Development, Government Operations & Housing

Re: S.B. 3122 Relating to Hawaii Community Development Authority – In Support

Aloha, Senators Shimabukuro and Dela Cruz, and Members of these Committees:

As a Native Hawaiian and Lihu`e Moku Director of the O`ahu Council of Hawaiian Civic Clubs, I support the initiative to allow the Office of Hawaiian Affairs to develop comprehensive plans for its recently-acquired lands in Kaka`ako that would meet the needs of Native Hawaiian beneficiaries of this Hawaiian trust.

As you know, we need OHA to generate additional revenues through this development. The “ripple effect” will produce the following:

- Affordable housing
- More employment for Native Hawaiian businesses
- More retail markets for vendors of locally produced products
- More community centers for senior citizens
- More programs for the youth
- More cultural programs

In conclusion, I support this legislation, which would enable the Office of Hawaiian Affairs to work on plans with the community that would produce income, incorporate respect for cultural assets of the area, and deliver needed shelter for kupuna and young families.

I urge your committees to approve this legislation, because it calls for community input and participation in the planning for the traditional Hawaiian district of Kona, O`ahu.

Mahalo nui loa.

Francine H. Gora

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**SB3122**

Submitted on: 2/23/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments: Oppose. No 'special legislation', to avoid costly lawsuits. Too much traffic already. Protect what little public shoreline is left, the visitor industry depends on keeping Hawai'i beautiful.

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**Date:** Sunday, February 23, 2014 10:27:47 PM

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**SB3122**

Submitted on: 2/23/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments: Protect shore lines - STOP over-development -ENOUGH! Spend \$\$ on fixing and beautifying what we have - roads, parks , food forests/parks, gardens, (recruit people in jail or on probabtion.) Let people apply for land for small sustainable farms with work programs for youth.

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**From:** [Dian](#)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Sunday, February 23, 2014 10:28:54 PM

---

Aloha,

***"Please do not allow residential in Kaka 'ako Makai.  
This last public oceanfront land shall be for all the  
People of Hawaii to enjoy."***

Dianna Moore

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [foodsovereigntynow@gmail.com](mailto:foodsovereigntynow@gmail.com)  
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**Date:** Sunday, February 23, 2014 10:43:10 PM

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**SB3122**

Submitted on: 2/23/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments: Please protect the Kaka'ako shoreline from development. Mahalo.

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**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Monday, February 24, 2014 1:02:43 AM

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**SB3122**

Submitted on: 2/24/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments: Please do not let a few greedy people decide the future of the people's land, and do not allow residential in Kaka 'ako Makai. This last public oceanfront land must remain open for all the People of Hawaii to enjoy. Mahalo.

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**Subject:** \*Submitted testimony for SB3122 on Feb 25, 2014 10:30AM\*  
**Date:** Monday, February 24, 2014 3:00:03 AM

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**SB3122**

Submitted on: 2/24/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments:

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**Date:** Monday, February 24, 2014 4:32:18 AM

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**SB3122**

Submitted on: 2/24/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments:

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**Date:** Monday, February 24, 2014 5:30:09 AM

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**SB3122**

Submitted on: 2/24/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments:

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [barb@kanekiki.com](mailto:barb@kanekiki.com)  
**Subject:** \*Submitted testimony for SB3122 on Feb 25, 2014 10:30AM\*  
**Date:** Monday, February 24, 2014 6:48:32 AM

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**SB3122**

Submitted on: 2/24/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments:

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**To:** [JDLTestimony](#)  
**Cc:** [rittew@hotmail.com](mailto:rittew@hotmail.com)  
**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Monday, February 24, 2014 6:56:00 AM

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**SB3122**

Submitted on: 2/24/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments: My name is Walter Ritte from the island of Molokai, and I oppose SB 3122. Being a "developer" in order for the Hawaiian people to survive, is contrary to sustainable cultural teachings. It is an unsustainable road that is killing the natural resources of an island state with limited carrying capacity. OHA is starting down a bad and slippery slope of dismantling laws that protect the quality of people's lives in order to make more money.

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [henry.lifeoftheland@gmail.com](mailto:henry.lifeoftheland@gmail.com)  
**Subject:** \*Submitted testimony for SB3122 on Feb 25, 2014 10:30AM\*  
**Date:** Monday, February 24, 2014 7:11:25 AM

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**SB3122**

Submitted on: 2/24/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Henry Curtis	Life of the Land	Oppose	No

Comments:

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**To:** [JDLTestimony](#)  
**Cc:** [rkorph@gmail.com](mailto:rkorph@gmail.com)  
**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Monday, February 24, 2014 7:42:08 AM

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**SB3122**

Submitted on: 2/24/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ron Okamura	Individual	Oppose	Yes

Comments: Surely there must be a better way to have OHA achieve their return on investment for their beneficiaries. To allow residential towers in Kakaako Makai is wrong. We already have a law that prohibits this land for residential purposes. This bill favors the special interest of OHA and not the citizens of Hawaii. Find another way.

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**To:** [JDLTestimony](#)  
**Cc:** [kate31999@gmail.com](mailto:kate31999@gmail.com)  
**Subject:** \*Submitted testimony for SB3122 on Feb 25, 2014 10:30AM\*  
**Date:** Monday, February 24, 2014 7:45:12 AM

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**SB3122**

Submitted on: 2/24/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments:

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**To:** [JDLTestimony](#)  
**Cc:** [tjsimms2000@hotmail.com](mailto:tjsimms2000@hotmail.com)  
**Subject:** \*Submitted testimony for SB3122 on Feb 25, 2014 10:30AM\*  
**Date:** Monday, February 24, 2014 8:15:12 AM

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**SB3122**

Submitted on: 2/24/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments:

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**To:** [JDLTestimony](#)  
**Cc:** [judie@aloha.net](mailto:judie@aloha.net)  
**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Monday, February 24, 2014 8:15:28 AM

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**SB3122**

Submitted on: 2/24/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments: Preserving some natural land is so important - people growing up in a huge city need a place to see and enjoy the natural world. Please vote NO on SB3122

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**From:** [Daci Armstrong](#)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Monday, February 24, 2014 8:24:30 AM

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PLEASE PLEASE PLEASE Do not allow high rise condos to be built on makai land in Kewalo and Kaka'ako areas! We don't need another Waikiki here! Waikiki is crowded with people and trolleys and hotels and now crime and homeless people. We don't need those conditions to deal with in land that is now public oceanfront. This land was meant to be for all people to enjoy and use as it is, open and beautiful.

Daci L. Armstrong  
626 Coral St.  
honolulu hawaii 96813

--

"A wet bird never flies at night".

Old Central Valley proverb.

February 23, 2014

Committee on Judiciary and Labor, Senator Clayton Hee, Chair  
Tuesday February 25, 2014  
10:30 a.m, Conference Rm 016, State Capitol

And All Members of Committee on Judiciary and Labor

Re: Testimony in Opposition to SB 3122 SD 1

My name is Edith T. Iwami, mother of Ron Iwami, President of Friends of Kewalos. All who believed in the cause to preserve this last piece of public land – Friends rallied to the State Capitol and together with People Power preserved the public land at Kaka’ako Makai in 2005/2006. It was a grass roots endeavor, no budget but just pure determination.

This support received from the Legislature stopped a private developer from building luxury residential high-rise towers on this last public oceanfront land in Honolulu.

My reasons in Opposition of SB 3122 SD 1 are as follows:

1. OHA now has the same desire to build high rises on the same oceanfront land which is now SB 3122 SD 1.  
Friends of Kewalos want OHA to understand the wish of the people and not develop residential homes on prime ocean front land.
2. It is my belief that Friends of Kewalos should not interfere with OHA’s plans for growth – every property owner has a right to utilize his property for its best use, but knowing the sentiment of the people – OHA should reconsider its decision to develop residential homes on this prime ocean front land. I speak for myself as I am a licensed realtor to assist anyone desiring to own a place to live and have no objection to growth; however, there are shortcomings to think about seriously before it’s too late.
3. This land should be preserved for generations to come—Many have children and grandchildren who must have a place to relax and enjoy the open air. If they reside in a condominium, it’s all the more important that Legislators who are empowered to serve the needs of the people are aware of this important legislation. For this reason, Kaka’ako Makai land must be kept open for easy access for ingress and egress for the people – young and old – surfers, caregivers to stroll their patients to breathe the fresh ocean air, picnickers, fishermen, and others who frequent the park.
4. Currently Ala Moana Park is utilized heavily.  
I know this to be a fact as I leave home between 6:00 to 6:30 a.m. on Saturdays to be sure to find parking space for my walking exercise. Spaces are filled up quickly and on a nice morning, it’s such a thrill to see our famous

Diamond Head landmark with lights showing hotels, and high rises along the beach. You can see tourists taking photos at this early time of morning. It gives you an uplifting feeling to appreciate the ocean and the mountains.

Early morning activities keep everyone happy and ready for action for the rest of the day.

5. Lastly, request your assistance to keep Kaka'ako Makai land open for all the people of Hawaii. I am positive that Present and future generations will thank you to save our Kaka'ako.

Respectfully submitted:

Edith T. Iwami  
3353 Oahu Avenue  
Honolulu, Hi 96822  
Email:  
[eiwami@horitarealty.com](mailto:eiwami@horitarealty.com)

1. OHA must remember the decision of the wish of the people to preserve development of residential homes on prime beach front land for the people. Friends of Kewalos should not interfere with OHA's plans for growth -- but just to ask their kokua that no high rise residential condos/apartments built right on the towers

**From:** [Jim Frierson](#)  
**To:** [JDLTestimony](#)  
**Subject:** SB3122SD1 testimony  
**Date:** Monday, February 24, 2014 8:33:59 AM

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Aloha,

I am writing to express my opposition to this bill exempting OHA from residential development restrictions in the "Kakaako Makai" area.

I was born and raised in Hawaii, and have owned and operated a business in Kakaako for over 35 years. I have also lived near Kakaako.

I recall that Magic Island originally was intended for development, but thankfully was retained for park use and is now a priceless public asset. Likewise, the option value of preserving as much of "Kakaako Makai" as possible for future open space and public enjoyment is priceless.

There are also significant aesthetic concerns. The existing "Gold Bond Building" detracts from the oceanfront profile of Honolulu. The residential buildings proposed by OHA would be a considerable further detraction, especially when combined with the future visual impact of the approved 400' high condos planned to be built along the mauka side of Ala Moana Boulevard.

I urge the Committee to decline support for this bill.

Respectfully submitted,

James Frierson

(808) 564-9011

**From:** [RoyceB](#)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Monday, February 24, 2014 8:38:05 AM

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***"Please do not allow residential in Kaka 'ako Makai.  
This last public oceanfront land shall be for all the  
People of Hawaii to enjoy."***

Royce Burton  
626 Coral.St.  
Honolulu, Hi 96813

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [alihilani@hawaii.rr.com](mailto:alihilani@hawaii.rr.com)  
**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Monday, February 24, 2014 8:42:55 AM

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**SB3122**

Submitted on: 2/24/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments: I am a Hawaiian kupuna and an OHA beneficiary. I strongly support SB 3122, SD1.

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**To:** [JDLTestimony](#)  
**Cc:** [kaimookalani@gmail.com](mailto:kaimookalani@gmail.com)  
**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Monday, February 24, 2014 8:46:12 AM

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**SB3122**

Submitted on: 2/24/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
T. Kahuehuokalani Kealoha	Individual	Support	Yes

Comments: I am a OHA beneficiary and a Hawaiian Homelands waitlist applicant.  
Please pass this bill.

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**To:** [JDLTestimony](#)  
**Cc:** [kaimomuhlestein@yahoo.com](mailto:kaimomuhlestein@yahoo.com)  
**Subject:** \*Submitted testimony for SB3122 on Feb 25, 2014 10:30AM\*  
**Date:** Monday, February 24, 2014 8:47:18 AM

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**SB3122**

Submitted on: 2/24/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

**S.B. 3122, S.D. 1**

**Relating to Hawaii Community Development Authority**

Senate Committee on Judiciary and Labor

Senator Clayton Hee, Chair

Hearing on Tuesday, February 25, 2014, at 10:30 a.m.

Mahalo for this opportunity to submit testimony in **support** of S.B. 3122, S.D.1, 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. 1, and urge the Committee to pass it. Mahalo nui.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [vsc@hawaiiantel.net](mailto:vsc@hawaiiantel.net)  
**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Monday, February 24, 2014 8:53:50 AM

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**SB3122**

Submitted on: 2/24/2014

Testimony for JDL on Feb 25, 2014 10:30AM in Conference Room 016

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

Comments: We oppose SB 3122 SD1. Do not allow any residential development in Kakaako Makai. Victoria and Trudy Cannon

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**From:** [rike weiss](#)  
**To:** [JDLTestimony](#)  
**Subject:** i oppose SB 3122 SD1  
**Date:** Monday, February 24, 2014 8:54:57 AM

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> In an historic settlement, which was applauded by the governor, OHA trustees , administration and beneficiaries, as well as legislators, the State deeded Kaka'ako land to OHA. SD1 would allow OHA to develop residential units Kaka'ako Makai, by law and due to tireless community involvement in the planning, comes with the caveat of no residential development. This was not a hidden feature of the agreement. OHA was well aware of the restriction. Now, less than two years later, OHA wants to renegotiate this historic deal, and all parties, except the public, have jumped on the bandwagon to rezone these parcels. OHA is run by a professional administration. It is disingenuous now to pretend that they made a bad deal.

> As if it weren't bad enough that HCDA disregards that 'community' is part of its name and that community is its constituency, now the legislature--or shall we say some legislators--is willing to despoil the last bit of open shoreline?

> The biggest mistake we made in Waikiki was to allow shoreline hotels. Have we learned nothing?

>

> Please do not bend to commercial pressure (the illusion of makai affordable housing is absurd, we'll just end up with Hawaiians being short changed-- how many OHA constituents could afford the 'affordable housing' being developed in the rest of Kaka'ako? Affordable makai development? A sad joke no one will find believable.)

> Mahalo, Rike Weiss