

**SB3122**

**SD1**

**LATE**

**TESTIMONY**



**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. 1, RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY AND LABOR

**DATE:** Tuesday, February 25, 2014                      **TIME:** 10:30 a.m.

**LOCATION:** State Capitol, Room 016

**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 Hee and Members of the Committee:

The Department of the Attorney General offers the following comments because the Department has concerns that this bill could be challenged as special legislation and violative of article XI, section 5, of the State Constitution.

This bill proposes to do four things: (1) allow the Hawaii Community Development Authority (HCDA) to consider applications for residential development on five parcels of land in the Kakaako Makai area after the applicant conducts a public hearing; (2) exempt developers of the five parcels from HCDA's rules requiring dedication of land, facilities, or cash for public facilities as a condition to development; (3) establish a Kakaako Makai special account to fund various public services and projects in the Kakaako Makai area; and (4) impose a Kakaako Makai association fee on the owners of residential units that are developed on the five parcels.

The five parcels of land for which the exception from the prohibition against residential development in section 206E-31.5, Hawaii Revised Statutes (HRS), is sought, are currently owned by the Office of Hawaiian Affairs (OHA). The Legislature transferred the five parcels to OHA in 2012 by Act 15.

Article XI, section 5, of the Constitution of the State of Hawaii 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.) OHA is a state agency and, as such, transfers of land to or for its use by special legislation should not run afoul of this provision of the State Constitution.

To minimize a constitutional challenge, we recommend that the bill explicitly provide that the five parcels of land are lands that were transferred to OHA by Act 15, Session Laws of Hawaii 2012, for OHA to use to fulfill its responsibilities under article XII, section 6 of the State Constitution and chapter 10, HRS, to better the conditions of native Hawaiians. In furtherance of this clarity, the bill should identify them in the manner they are identified in Act 15.

## HAWAIIAN AFFAIRS CAUCUS

Democratic Party of Hawaii

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

February 25, 2014

LEGISLATIVE TESTIMONY  
IN SUPPORT OF  
**SB3122, S.D. 1, RELATING TO HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY**

Hearing, Tuesday, February 25, 2014, 10:30 a.m., Room 016

Senator Clayton Hee, Chair  
Senator Maile S. L. Shimabukuro, Vice Chair  
Members, Committee on Judiciary and Labor

Aloha mai kākou,

The Hawaiian Affairs Caucus of the Democratic Party of Hawai‘i is in support of SB3122, S.D. 1. 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 for OHA 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 SD1.

Respectfully

/s/ Raytan Vares via on-line testimony

RAYTAN VARES,  
Co-Chair, Legislative Committee  
Hawaiian Affairs Caucus



*Native Hawaiian Chamber of Commerce*

P.O. Box 597, Honolulu, Hawai'i 96809  
nativehawaiianchamberofcommerce.com • nhccoahu@gmail.com

TESTIMONY OF THE  
NATIVE HAWAIIAN CHAMBER OF COMMERCE

TO THE  
SENATE COMMITTEE ON JUDICIARY AND LABOR,  
AFFAIRS

**SENATE BILL NO. 3122, SD1**  
Relating to the Hawaii Community Development Authority

February 25, 2014

Aloha Senator Hee and Vice Chair Shimabukuro:

The Native Hawaiian Chamber of Commerce **supports** Senate Bill No. 3122,SD1. 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. 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 its passage. Mahalo for the opportunity to testify.

Marlene Lum  
Board President  
Native Hawaiian Chamber of Commerce

# IRON WORKERS STABILIZATION FUND

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February 25, 2014

Senator Clayton Hee, Chair  
Committee on Judiciary & Labor  
Senate  
Room 016 – State Capitol  
Honolulu, HI 96813

Re: SB3122 SD1, Relating to Hawaii Community Development Authority

Aloha Chair Hee & Honorable Members:

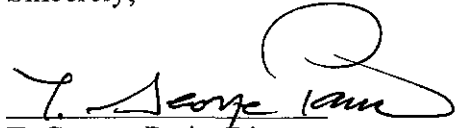
The Hawai'i Iron Workers Stabilization Fund is in **support** of SB3122 SD1, which sets up a process for the approval of limited residential development in Kaka'ako Makai. The Office of Hawaiian Affairs is one of the owners of parcels in Kaka'ako Makai. They, along with the other owners, should have the *chance* to apply for limited residential development.

We support smart growth, sustainable development, and affording OHA the opportunity to generate revenue for programs that benefit its beneficiaries.

We request that *any* development in Kaka'ako Makai comply with the "Local Jobs for Local People" law codified in Chapter 103, Hawaii Revised Statutes (HRS). We further request that local general contractors, local unionized sub-contractors, and local unionized labor be used on Kaka'ako Makai development projects, and at minimum, to ensure that construction workers receive the appropriate "Little Davis-Bacon" wages as specified in Chapter 104, HRS.

Thank you for this opportunity to submit testimony.

Sincerely,

  
T. George Paris, Director

**Testimony in Opposition to SB3122, SD1**  
Galen Fox, Kaka'ako United

Chair Hee, Senators:

I'm Galen Fox of Kaka'ako United and oppose SB3122, SD1 which would allow residential construction on OHA land makai of Ala Moana Blvd. in Kaka'ako makai.

I am a keiki o ka aina. I remember when a powerful governor, backed by the (then) most powerful labor union, almost succeeded in turning Magic Island into a hotel district, in the name of progress and jobs. That was in 1969.

But most of us, nearly all of us, remember well the surfer-led people's crusade to preserve Kaka'ako makai from another governor's attempt, in the name of progress and jobs, to build condos (largely for an offshore market) on our precious Kaka'ako waterfront land. That was just 8 years ago! How can we so quickly forget?

OHA already has the \$200 million owed it under the ceded lands settlement. How much more can OHA, without building residential condos, earn from the Kaka'ako lands granted it? I don't know, but that figure, with good stewardship, should move well beyond \$200 million. If not, OHA should sell the land rather than change the law.

We the people want OHA with us in continuing to protect the limited Kaka'ako makai shoreline from residential condo development. Build on the mauka side of Ala Moana, if necessary. Let's stand together. Mahalo.



# Kaka'ako Ūnited

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

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.*

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

Before the Senate Committee on  
Judiciary and Labor

Tuesday, February 25, 2014  
10:30 A.M.  
State Capitol, Conference Room 016

**In Support of  
S.B. 3122, SD 1**

**RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY**

Senate Bill 3122 SD 1 requires OHA to conduct a public hearing on any plan or proposal for any residential development in Kakaako prior to submission of the plan or proposal to the Hawaii Community Development Authority (HCDA)

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 strong revenue stream to fund community-based programs that would improve the conditions of Hawaiians now and in the future.

As a strong 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 SD1. 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



**"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  
IN SUPPORT  
SB 3122 – RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY  
SENATE COMMITTEE ON JUDICIARY**

February 25, 2014

Aloha Chair Hee, Vice-Chair Shimabukuro, and members of the Committees,

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. 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.



# KO`OLAUPOKO HAWAIIAN CIVIC CLUB

February 27, 2014

To: Senator Clayton Hee, Chair  
Senator Maile Shimabukuro, Vice-Chair  
Members  
Senate Committee on Judiciary and Labor

From: Alice P. Hewett, President

Subject: Support for S.B. 3122, S.D.1 – Relating to Hawaii  
Community Development Authority

Aloha, Chair Hee and Members of the Committee:

The Ko`olaupoko Hawaiian Civic Club strongly urges that you approve this legislation, which would provide the Office of Hawaiian Affairs with what would make their newly-acquired property at Kaka`ako economically viable.

Many people think that OHA did not receive the best deal possible with the lands they were given at Kaka`ako-makai; it comes to them with a number of built-in handicaps, not the least of which was a promise of rectifying the kapu against residential development on their property.

We urge you to approve this compromise bill, which allows OHA to seek a reasonable return on this property to benefit not only the Hawaiian people, but also the community in general. OHA is hoping to provide housing for our kupuna, and for our young families, which is more than has been offered by private developers in the area.

The state has already set in motion approvals for a number of privately-owned high-rise developments in the Kaka`ako area. Even though they are just across the street from the OHA property, they are every bit as obnoxious as a high-rise might be on the makai side of Ala Moana Boulevard. To deny OHA this opportunity to capture value from lands the state recently transferred to them would, in our view, constitute economic discrimination.

We appeal to you to approve this bill.

Mahalo.

*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)

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**Cc:** [kealiig@hotmail.com](mailto:kealiig@hotmail.com)  
**Subject:** \*Submitted testimony for SB3122 on Feb 25, 2014 10:30AM\*  
**Date:** Tuesday, February 25, 2014 7:01:31 AM

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**SB3122**

Submitted on: 2/25/2014

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>
Keali'i Gora	Ka Lei Papahi 'o Kakuhihewa	Support	No

Comments:

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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February 25, 2014

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile Shimabukuro, Vice Chair

SB 3122 SD1

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, does not support SB 3122 SD1 that allows residential development in Kaka`ako Makai.

The legislature banned residential development in Kaka`ako Makai in 2006 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 development.

SB 3122 SD1 requires a public hearing but that is just a red herring because all government agencies are required to conduct business under Chapter 91 – Administrative Procedure.

SB 3122 SD1 throws the public a bone with the statement that “the applicant for approval shall fully consider all written and oral submissions...” Considering and responding too and acting on public testimony are very different.

While SB 3122 SD1 limits residential development to OHA property if allowed it is a foot in the door to allow *more* residential development in the future. How can HCDA deny the next applicant?

If SB 3122 SD1 is passed HCDA cannot deny any applicants request for residential development in Kaka`ako Makai, to do so would highlight the fact that SB 3122 SD1 is *special legislation* designed just to benefit one entity and we all know how that turned out in the Superferry case.

HTF urges you to retain Kaka`ako makai open access to shoreline fishing, diving, body boarding and surf sites by holding SB 3122 SD1 in committee.





**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [alemorrier@gmail.com](mailto:alemorrier@gmail.com)  
**Subject:** \*Submitted testimony for SB3122 on Feb 25, 2014 10:30AM\*  
**Date:** Monday, February 24, 2014 11:50:21 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>
alicia morrier	Individual	Oppose	No

Comments:

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
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**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Monday, February 24, 2014 3:52:41 PM

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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>
Anne Thurston	Individual	Oppose	No

Comments: Please do not pass this measure.

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**From:** [00 beachside](#)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Tuesday, February 25, 2014 8:56:50 AM

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JDL Testimony@capitol.hawaii.gov,

Aloha,

For the last 39 years 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 Kakaako has to offer.

We humbly ask to please stop the development of Kakaako for the future of all above.

Mahalo

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [mkhan@hawaiiantel.net](mailto:mkhan@hawaiiantel.net)  
**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Monday, February 24, 2014 7:00:39 PM

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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>
Asghar Khan	Individual	Support	No

Comments: Aloha, I am a resident of Kaka'ako and fully support the passage of SB3144. It took the State of Hawaii a long time to settle with the Office of Hawaiian Affairs on the income and proceeds from the public trust lands for Nov 7, 1978 through June 30, 2012. Both parties settled on the Kaka'ako lands in good faith, the state knowing full well that OHA would need to develop the properties to generate income to maintain those properties as well as to maximize revenue-generating opportunities to best serve its beneficiaries. Otherwise, what would have been the incentive for OHA to accept that settlement? We should not forget that Native Hawaiians were here long before us. Let us not put obstacles in their way to develop the Kaka'ako lands.

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Cc: [bianca@kahea.org](mailto:bianca@kahea.org)  
Subject: Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
Date: Monday, February 24, 2014 11:02:52 AM

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**SB3122**

Submitted on: 2/24/2014

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

Submitted By	Organization	Testifier Position	Present at Hearing
Bianca Isaki	Individual	Oppose	No

Comments: Aloha e Senators, I'm writing as a bodysurfer, surfer, and diver and a part of a community of similar ocean users whose community is based at Kaka`ako waterfront park (and previous to that, the landfill fronting the waterfront in Kaka`ako). The point panics community is especially tied to Kaka`ako and the park and parking lot in particular. For example, Dougie Kainoa Palama, a master bodysurfer, photographer, and diver, was a fixture of Kaka`ako waterfront park until two days before he died. He was nicknamed "Daddy" because he had helped especially young people who were going through tough times - teaching them how to surf and entrusting them with gear and fins. My cousin was Dougie's hospice worker; she remembers him as the only client who insisted on receiving treatment at the beach (Kaka`ako waterfront parking lot). Expansion of Kaka`ako makai residential development under SB3122 raises concerns that such development will overrun a place that has sustained this unique community. My more specific concern with SB3122 is section 3, "§206E-12 Dedication for public facilities as condition to development." Dedication of property for public parking and beach access is crucial to sustaining Kaka`ako's open space and the community that has grown within it. Exempting any developer from that requirement raises concerns that less resources will be available for dedications of land for parking, access, and facilities. Thank you for considering my concerns, Bianca Kai Isaki, Ph.D., Esq.

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**From:** [manoashaka@yahoo.com](mailto:manoashaka@yahoo.com)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Monday, February 24, 2014 11:06:17 PM

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My name is Braden Iwami and I I oppose bill SB 3122 SD1. I believe that the kakaako shoreline and makai areas should be left alone for public use such as parks and open space. We can always build inland and leave the beauty of the makai part of kakaako free for people to enjoy without the presence of unsightly high rises. Please take my statement into consideration when reviewing to pass this bill and vote NO to residential in makai!!!!

Sent from my iPhone

**From:** [Brian Shimokawa](#)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Tuesday, February 25, 2014 6:21:01 AM

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Aloha,

My name is Brian Shimokawa and I strongly oppose SB3122 for one main reason being that when OHA accepted their lands from the State in April 2012 they very well knew that the law to those lands "Prohibited" any type of residential use.

To be stewards of the land they first need to be stewards to the law. If OHA is sincere about working to help the Native Hawaiian People they should listen to what the many groups and organizations have to say about creating a viable long term revenue source to create jobs much less educate the Keiki of Hawai`i without building any type of residential.

Mahalo NuiLoa!

Brian Shimokawa  
2216 Hyde Street  
Honolulu, HI. 96822

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**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Monday, February 24, 2014 9:59:17 PM

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Hi My Name is Brian and I oppose more development in the kakaako area, especially near Kewalos and Ala Moana beach parks.

Brian



**From:** [Camille Rockett](#)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Monday, February 24, 2014 12:13:13 PM

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**Please vote against 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.**

We need to stop maximizing profit and taking care of our people who need to connect with their land!

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [kaliko08@gmail.com](mailto:kaliko08@gmail.com)  
**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Monday, February 24, 2014 10:51:02 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>
Donna K Santos	Individual	Support	No

Comments: I am of Native Hawaiian ancestry from Kauai and I support this bill.

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**Subject:** \*Submitted testimony for SB3122 on Feb 25, 2014 10:30AM\*  
**Date:** Monday, February 24, 2014 6:37:09 PM

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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>
douglas valenta	Individual	Oppose	No

Comments:

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**From:** [Joeysmom](#)  
**To:** [JDLTestimony](#)  
**Subject:** Oppose SB 3122 SD1 -- RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY (HCDA)  
**Date:** Monday, February 24, 2014 3:16:12 PM

---

Dear Sir or Madam:

Please oppose SB 2133 because the over-development of Kakaako is getting way out of hand.  
It has to stop.

Thank you,  
Esther Gefroh,  
Kakaako resident

[A Catholic Mom in Hawaii](#)

St. Augustine's Prayer to the Holy Spirit

Breathe in me O Holy Spirit that my thoughts may all be holy;  
Act in me O Holy Spirit that my works, too, may be holy;  
Draw my heart O Holy Spirit that I love but what is holy;  
Strengthen me O Holy Spirit to defend all that is holy;  
Guard me then O Holy Spirit that I always may be holy.

Testimony in Support of SB 3122, SD1

Relating to Hawaii Community Development Authority

SENATE COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile Shimabukuro, Vice Chair

February 25, 2014

10:30 a.m., Room 016

Aloha Chair Hee, Vice Chair Shimabukuro, and members of the committee:

I am Homelani Schaedel, a native Hawaiian who is a beneficiary of the Office of Hawaiian Affairs (OHA).

The issue before you is difficult and I appreciate your efforts to advance this bill. I understand these amendments are a compromise for those who support and those who oppose SB 3122 in its' original form.

First, I would like to state that I stand on my testimony in support for SB 3122 in its' original form.

However, if I must compromise, I've considered these amendments. While I support the intent of the amendments; I respectfully request you delete Sections 206E-B and 206E-C, as I find both these sections to be a penalty rather than a compromise.

Although Section 206E-B indicates the fee will be collected from residential owners, this fee will indirectly inflict the burden of caretaker for the Kaka'ako community development district onto OHA.

Section 206E-C is broad, unclear and open to interpretation of the type of services and projects or the maintenance, improvements and security the fee will cover.

To impose an additional fee impairs the efficiency for OHA to develop affordable residential projects at Kaka'ako Makai. In addition to property taxes and condo fees, this fee will affect the marketing, salability and affordability of OHA's future residential projects and direct cost to the consumer.

Like yourselves, the trustees and administration of the Office of Hawaiian Affairs have the kuleana of doing your best for our people. Today, I ask you to reaffirm your commitment to ensure we are treated fairly.

Mahalo for the opportunity to present my testimony.

From: [James M. Hull](#)  
To: [JDLTestimony](#)  
Subject: Testimony in opposition to SB 3122 SD1  
Date: Monday, February 24, 2014 9:19:25 PM

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To:

**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."***

### **Testimony in Opposition to SB 3122 SD1**

My name is James Hull, a supporter 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 heartfelt opinion.**

**James Hull  
Friends of Kewalos**

**From:** [Jeff middleton](#)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Monday, February 24, 2014 7:23:44 PM

---

Please note this one's persons plea in opposition to SB3122 SD1. Mahalo Jeffrey J. Middleton



**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [ewabond@gmail.com](mailto:ewabond@gmail.com)  
**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Monday, February 24, 2014 12:36:08 PM

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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>
John Bond	Individual	Comments Only	No

Comments: Kakaakao is turning into a big developer Greed Fest of buildings to attract and replicate Hong Kong in Honolulu. Look in the future for a large People's Liberation Navy warship parked out in front. The US Navy's intelligence assessment is that the Chinese military is moving full speed ahead with a confrontation with the US Navy, the Navy of Japan and the navies of neighboring nations in the Pacific. Honolulu's Kakaako developer Greed Fest will absolutely prove what a misguided conjob this over development of the waterfront really is when the future Pacific naval war erupts and Honolulu becomes a ghost town of tall buildings with owners in the People's Republic of China. China's military is already developing aircraft carriers and ballistic nuclear submarines and have publically boasted how many Americans they will be able to kill in West Coast cities with one strike. China's military has already sworn to take islands from Pacific nations, including Japan. The war is coming. This is who developers are marking these waterfront building's to- America's future enemy. This isn't hype- this is a US Navy intelligence assessment of what is coming. It was put forth in a major US Naval Institute conference just last week by US naval intelligence experts. Bad, bad stupid greedy development policy destined to be a total future disaster for everyone in Honolulu except those who hope to pocket the money and get out fast before the next Pacific war starts.

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**From:** [John Bond](#)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony on HCDA Kakaako Bills Being heard:  
**Date:** Tuesday, February 25, 2014 2:13:25 AM

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Testimony on HCDA Kakaako Bills Being heard:

Kakaakao is turning into a big developer Greed Fest of towering buildings to replicate Hong Kong in Honolulu. Look in the future for a large People's Liberation Navy warship parked out in front.

The US Navy's intelligence assessment is that the Chinese military is moving full speed ahead with a confrontation with the US Navy, the Navy of Japan and the navies of neighboring nations in the Pacific.

Honolulu's Kakaako developer Greed Fest will absolutely prove what a misguided conjob HCDA and Hawaii State development policy is conducting when the future Pacific naval war erupts and Honolulu becomes a ghost town of tall buildings with owners in the People's Republic of China.

China's military is already developing aircraft carriers and ballistic nuclear submarines and have publically boasted how many Americans they will be able to kill in West Coast cities with one strike.

China's military has already sworn to take islands from Pacific nations, including Japan. The war is coming. This is who HCDA is marking these tall building's to- America's future enemy. This isn't hype- this is a US Navy intelligence assessment of what is coming. It was put forth in a major US Naval Institute conference just last week by US naval intelligence experts.

Bad, bad stupid greedy development policy destined to be a total future disaster for everyone in Honolulu except those who hope to pocket the money and get out fast before the next Pacific war starts.

**From:** [John Kobelansky](#)  
**To:** [JDL Testimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Monday, February 24, 2014 12:16:47 PM

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Shame on OHA.....stewards of our Aina. You need to send a strong message to stop the land grab and be true to your roots. No further developments to Kakaako Makai, period. Make no exceptions to the law that is already in place by "friends of kewalos" and other caring groups who know the true meaning of this special place we call home. Don't sell us out now OHA!

Ua Mau ke ea ok a Aina I ka Pono!

Mahalo a Nui,

JJ Kobelansky

Sent from my iPad

## Testimony in Opposition to SB 3122 SD1

*Committee on Judiciary and Labor, Senator Clayton Hee, Chair. Tuesday, February 25, 2014. Testimony in opposition*

Aloha e Senator Hee and members of the Committee

My name is Jonathan K. Osorio. I am a professor at the Kamakakūokalani Center for Hawaiian Studies and I oppose SB 3122 SD1, the proposal for any residential development on Kaka'ako Makai. There was strong public opposition to the residential development that resulted in legislation (HRS 206 E 31.5) in 2006 prohibiting the planning and the development of residential project in Kaka'ako Makai. The reasons for that opposition have only become more imperative since 2006.

As an OHA beneficiary and supporter of its missions, I feel strongly that the State has placed the agency in an impossible situation. By obliging OHA to take the land parcel as a part of a settlement of past due revenues, it almost requires that OHA take the point position in a very unpopular redevelopment of Kaka'ako. In order to meet their fiduciary responsibilities the OHA trustees are forced to seek this unpopular direction and one that is starkly inconsistent with its usual position on conservation and preservation.

But the Legislature gets no pass on this. HRS 206 was enacted in the best traditions of the Hawai'i legislature, protecting access and open space for the benefit of the community. That open space is exponentially more important to the community as so many residential developments are now moving forward. It is deceitful and cynical to pretend that this urbanization is any different from the one proposed by Alexander and Baldwin in 2006 just because it is an OHA initiative.

But it isn't just urban crowding that concerns me. I am deeply worried about the rising water table in Kaka'ako and how that will compromise life and the equity in the properties for those people who invest in these projects over the next few years. Building in Kaka'ako Makai is simply not the answer to the long-term economic health of Honolulu. I believe this is a project that State of Hawai'i and the Office of Hawaiian Affairs would well be rid of.

Sincerely

Jonathan K. Osorio, PhD  
University of Hawai'i Mānoa

**From:** [Joshua Echemendia](#)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Tuesday, February 25, 2014 12:24:32 AM

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To Whom It May Concern:

I hereby voice my firm opposition for SB 3122 SD1. Kaka'ako Makai is a patrimony of the people of Hawai'i. Please protect it and prohibit construction of residential units there. Please leave this beautiful stretch of coast and park land intact and defeat the drive to permanently destroy it by defeating this bill.

Sincerely,

Joshua Echemendia

--

Joshua Echemendia  
808.228.7588 (cell)  
808.356.1523 (fax)  
joshua.echemendia (Skype)

Testimony in Opposition of SB 3122 SD 1

Re: Hawaii Community Development Authority Residential Development

Aloha mai kakou Chair Hee, Vice Chair Shimabakuro and Judiciary and Labor committee members,

My name is Juanita Mahienaena Brown Kawamoto and I am testifying on behalf of myself and my various ohana as Native Hawaiian Citizen advocates.

We are strongly opposed to Senate Bill 3122 SD1.

Kakaako Makai was and is protected by State of Hawaii law that was designed to respect and protect the Kakaako ahupua`a and the community's Kuleana.

As Native Hawaiian beneficiaries, we seriously question how the Office of Hawaiian Affairs can request legislation that contradicts and conflicts with the core values of our Hawaiian culture. We are ashamed of the conduct unbecoming of the OHA trustees and how little effort they have made to truly survey their beneficiaries concerning this horrific action against the Kakaako community.

My ohana and other Kupuna are preparing to petition la hui kanaka to protest this wrongful action. As Hawaiians, we should always be steadfast and vigilant in the pursuit of justice for all. The irresponsible and fiscally unsound planning proposed by the current OHA trustees are short sighted and unfounded. The Native Hawaiian beneficiaries again will watch in dismay and distrust as our birthright is squandered away in a futile pursuit to develop toxic brownfields and impending wetlands .

The words that describe how my ohana feel about OHA and their direction are:  
`Uha`uha – Wasteful, Ho`opailua – Disgusted, Ho`okelakela – Disrespectful.

Do not pass this bill. It is HEWA!

me ka pono,

Juanita Mahienaena Brown Kawamoto  
Personal representative of the Smith/Akina Family Trust  
Trustee for the Frank Palani Foster Trust  
Trustee for the Rebecca Mahienaena Trust  
Native Hawaiian Citizen Advocate

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [ktakeo\\_1999@yahoo.com](mailto:ktakeo_1999@yahoo.com)  
**Subject:** \*Submitted testimony for SB3122 on Feb 25, 2014 10:30AM\*  
**Date:** Tuesday, February 25, 2014 9:33:43 AM

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**SB3122**

Submitted on: 2/25/2014

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>
Kathy Takeo	Individual	Support	No

Comments:

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [joe96817@gmail.com](mailto:joe96817@gmail.com)  
**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Monday, February 24, 2014 3:42:17 PM

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

February 24, 2014

LEGISLATIVE TESTIMONY  
IN SUPPORT OF  
**SB3122, S.D. 1, RELATING TO HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY**

Hearing, Tuesday, February 25, 2014, 10:30 a.m., Room 016

Senator Clayton Hee, Chair  
Senator Maile S. L. Shimabukuro, Vice Chair  
Members, Committee on Judiciary and Labor

Aloha mai kākou

I am writing in support of SB3122, SD1. Among its provisions, SB3122 SD1 would authorize residential development in certain specified parcels of land owned by the Office of Hawaiian Affairs in Kaka'ako. I am a resident of the Kaka'ako district.

As a Native Hawaiian, I am appreciative of OHA's initiative to develop the Kaka'ako properties to derive the best economic outcome in balance with nature and the environment. Likewise, 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.

OHA is not advocating for residential development on all of the parcels it owns, only those listed in this bill. They have no intention to develop residential uses 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 with due consideration to economic and cultural values.

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 SD1.

Respectfully

/s/ Leimomi Khan by on-line testimony

LEIMOMI KHAN

COMMITTEE ON JUDICIARY AND LABOR HEARING  
FEB. 25, 2014, 10:30 AM, RM 016  
SEN. CLAYTON HEE, CHAIR; SEN. MAILE S.L. SHIMABUKURO, VICE CHAIR

STRONG OPPOSITION TO SB3122, SD1

THE LAW PASSED ALMOST A DECADE AGO STIPULATED THAT THERE WOULD BE NO HOUSING BUILT ON KAKAAKO MAKAI. FOOLISHLY, OHA ACCEPTED THIS POLLUTED LAND KNOWING IT CAME WITH BAGGAGE WHICH MAY BE IMPOSSIBLE TO UNDO. OHA SHOULD HAVE HAD THE FORESIGHT TO TELL GOVERNOR ABERCROMBIE THE STATE MUST RESCIND THE AGREEMENT IF REZONING IS IMPOSSIBLE AND UNDERMINES THE ALOHA THAT THE MAJORITY OF HAWAII'S CITIZENS SHARE WITH KA PO'E HOHA LACKS THE EXPERTISE TO DEVELOP THE LAND AND CURRENTLY HAS NO COHERENT PLAN. HOW MUCH WOULD BE NEEDED TO BE SPENT TO BEGIN CREATING A FUND TO HELP HAWAIIANS. HOW LONG TO REACH \$200 MILLION? IN THE MEANTIME WHAT ABOUT CURRENT NEEDS?

THIS PROPOSAL DOES NOT REFLECT HAWAIIAN VALUES. MANY IN THE HAWAIIAN COMMUNITY OBJECT. WE FIND, TOO, THAT HCDA HAS AN OUTRAGEOUS AMOUNT OF POWER WHICH NEEDS TO BE CURBED.

WE FEAR THAT WE KA PO'E HAWAII ARE BEING MADE THE GOATS IN THIS UGLY PLAN. WE DO NOT WANT TO LOSE THE ALOHA OF OUR FELLOW CITIZENS NOR OUR CREDIBILITY. DEFER SB3122.

LELA M. HUBBARD, NA KOA IKAIKA, 99-407 AIEA HGTS. DRIVE, AIEA, HI 96701, PH 808-487-2311

*Makai,  
Lela M. Hubbard  
Na Koa Ikaika*

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [lynnehi@aol.com](mailto:lynnehi@aol.com)  
**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Monday, February 24, 2014 4:36:12 PM

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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>
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. And, 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 rest of the community. This bill is a total give away and does not represent proper development plans. Please kill this bill now.  
lynne matusow 60 n. beretania, #1804 honolulu 96817

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Mahealani Cypher

Malamapono744@aol.com

February 24, 2014

Senator Clayton Hee, Chair / And Members  
Committee on Judiciary and Labor  
Hawai'i State Senate

Re: S.B. 3122, Relating to the Hawaii Community Development Authority

Aloha Chair Hee, Vice-Chair Shimabukuro, and Committee Members:

My `ohana and I offer our strong support for the passage of Senate Bill 3122, which would authorize the Office of Hawaiian Affairs to pursue residential development on sections of land OHA received from the State of Hawai'i as compensation for past-due obligations of the State to the Hawaiian people. Although this residential development was not spelled out in the land transfer agreement, the trustees were assured that this matter would be taken up by the legislature subsequently.

We are concerned about the impact of urban sprawl should the O`ahu General Plan redirect growth outside of the primary urban center – which includes Kaka`ako – and the secondary urban center at `Ewa. Our island plan, which was developed in 1977 and adopted by the City Council in 1978, was a collaboration and compromise among many diverse interest groups on O`ahu – environmentalists, industry, labor unions, businesses, community organizations and many others – on where future growth was to occur.

We have encouraged OHA to work with the community to create a healthy living environment at Kaka`ako-makai that meets our island's critical need for kupuna housing and places where our young island families can live in central Honolulu. They have assured us that they intend to do so.

We believe that the changes you have made to the original bill are a reasonable compromise with the concerns raised earlier in the session, and urge your committee to approve this bill.

Mahalo for allowing us to share our mana`o.

Me kealoha pumehana,

MAHEALANI CYPHER  
Cypher `Ohana

**From:** [mlizama@yahoo.com](mailto:mlizama@yahoo.com)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Monday, February 24, 2014 3:21:00 PM

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***Please do not allow any type of residential development in Kaka 'ako Makai. This LAST public oceanfront land on Oahu shall be for all the People of Hawaii to enjoy.***

Marc Lizama

**From:** [Michael Kirk-Kuwaye](#)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Tuesday, February 25, 2014 7:25:02 AM

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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

While I support OHA and its mission, I do not support having residential units in Kaka'ako Makai. I grew up in Town and the whole Ala Moana and Kaka'ako Makai area was the primary ocean recreational area for people living on the South Shore and its valleys. This is even more true now and will be more so in the future. I think it's not just the surfers, boaters and fishermen who use the area. Just walk around Kewalo Basin and Kaka'ako Waterfront Park and see people, families strolling, sitting. These are regular people relaxing, decompressing, enjoying the ocean environment after work or for a midday lunch. Please take the long view and see that regular people have been moving westward along the South Shore coast to find ocean respite and reflection – from Diamond Head/Waikiki to Ala Moana/Kaa'ako Waterfront. Where will the children of the regular people go next...Sand Island Park? Could other State land that is income generating be swapped out for current OHA parcels in Kaka'ako Makai?

Michael Kirk-Kuwaye/ work in Town, live in Ka'a'awa

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [michelematsuo@yahoo.com](mailto:michelematsuo@yahoo.com)  
**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Tuesday, February 25, 2014 9:54:24 AM

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**SB3122**

Submitted on: 2/25/2014

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>
michele matsuo	Individual	Oppose	No

Comments: I STRONGLY OPPOSE this legislation. OHA knew that it was illegal to build residential developments on the Kakaako Makai land, and was advised by many against accepting it in settlement. The land in question, Kakaako Makai, appears to be in an area which global climate change and rising sea water levels will impact, to say nothing of tsunamis. Elsewhere, states are moving their homes and communities vastly inward, instead of trying to build a high-density new city right in the foreseeable inundation zone. According to Prof. Maxine Burkett, professor at Richardson School of Law, governments can be held liable for tort damages relating to allowing development when it could see from climate change charts that damage could arise, or providing inadequate infrastructure for those developments. In addition, reportedly, the OHA Kakaako Makai lands are over hazardous materials. How can it be a good thing to allow high density residential developments over THAT? Aloha and Mahalo for accepting this late testimony!

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

### Strong Opposition to Senate Bill 3122

Please do NOT advance Senate Bill 3122. I speak in opposition to this bill because Senate Bill 3122 is a direct attack on the State's responsibility to protect the public lands and public shoreline of Kaka'ako makai.

Development of residential housing in Kaka'ako makai is wrong. It is wrong because it fails to comply with obligations to protect this land and shoreline. It is wrong for the people and the future community of Kaka'ako in which park and recreational space will be essential to the sustainability of the community. It is wrong for the larger principles of land use and respecting view planes. And it is wrong because it is a short-sighted investment in Hawai'i's economic needs for career paths for working people – it places first priority on big corporate profits and bonuses paid to high-end executives and last priority to the long-term futures of people in the workforce. This form of development limits workforce outcomes to short-term construction jobs that pay significantly lower salaries than the corporate executives, so it fails to create long-term economic sustainability for workers.

Year after year, we citizens have been faced with repetitions of this challenge to legal mandates for protecting land. Again and again, we have to write the SAME arguments because the HCDA and the State continue to attempt to bypass law and implement bad uses of the land – bad uses that limit public use, destroy opportunities to meet standards for future park space needed for the Kaka'ako population, and create major profit –making opportunities for development corporations and related entities that have no commitment to the protection of land and shorelines.

The point should have been made when the development of shoreline luxury condos proposed by Alexander & Baldwin was defeated some years back. But no lessons learned. Certainly not by OHA or HCDA. A formal community planning process was completed by the CPAC in which guiding principles and specific recommendations were advanced to guide development of this oceanfront land. Although the HCDA pretended to support this planning process, it was never endorsed and advanced as a plan that should guide proposals for development in Kaka'ako makai. It was treated as if it was a concept paper with a few good ideas, not as a serious community-based statement of vision and principles for Kaka'ako makai. The most serious good idea in this plan was *NO RESIDENTIAL DEVELOPMENT*.

OHA could choose to support the sustainability of Kaka'ako, including respect for people, the community, and the land and the shoreline. But instead they have moved quickly to argue for the priority of high-revenue development of housing with more variances such as increasing height limits of buildings and other exceptions that are always stamped "YES, OK – What else do you want?" by the HCDA.

The only way to protect and assure the sustainable future of Kaka'ako makai land and shoreline is to have legislation in place for this purpose and to defeat legislation that opens the door to residential development and further commercial high-end developments.

You would surely not support residential development along the shorelines of Ala Moana Park, Magic Island, or Kapiolani Park. These lands are protected. **Please protect Kaka'ako makai.**

Respectfully Submitted, Nancy Hedlund, Ph.D.  
Kaka'ako Makai Planning Advisory Council, Founding Member

TO: Chair, Senator Clayton Hee, Senate Committee on Judiciary and Labor and Vice Chair, Senator Maile S.L. Shimabukuro Committee on Judiciary and Labor

FROM: Dr. Noreen Mokuau

SUBJECT: SB 3122- RELATING TO HAWAII COMMUNITY DEVELOPMENT  
AUTHORITY

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

PURPOSE: In Support

Chair Senator Clayton Hee, Vice Chair Senator Maile S.L. Shimabukuro, and members of the Senate Committee on Judiciary and Labor, thank you for this opportunity to provide testimony in support of SB 3122.

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.

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 and OHA’s focus of providing resources for Native Hawaiian beneficiaries.

I strongly urge your favorable consideration of this bill, with the proposed amendment provided that its passage does not replace or adversely impact priorities as indicated in the University’s Board of Regents Approved Executive Biennium Budget.

Thank you for the opportunity to offer comments.

**From:** [Pam Wood](#)  
**To:** [JDLTestimony](#)  
**Subject:** SB 3122, SD1 - Opposition  
**Date:** Monday, February 24, 2014 12:50:42 PM

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**Testimony of Pamela Wood**  
**Before the Senate Committee on Judiciary and Labor**  
**Tuesday, February 25, 2014, Room 016, 10:30 am**  
**SB 3122, SD1 - Hawaii Community Development Authority; Residential Development**

Chair Senator Clayton Hee and members of the Committee on Judiciary and Labor:  
Thank you for allowing me the opportunity to oppose SB 3122, SD1. My name is Pamela Wood and I am a Kakaako resident. The community has made its position clear - NO RESIDENTIAL DEVELOPMENT IN KAKAAKO MAKAI.

The community fought and won this battle years before the State transferred Makai land to the Office of Hawaiian Affairs (OHA). OHA knew of the community's opposition when they accepted the transfer. Now OHA is saying only residential development will provide an adequate financial return. Instead of causing the community to organize and fight this battle again, OHA should have either accepted the limitation of no residential development, or negotiated with the State for other land.

Requiring a public hearing prior to OHA submitting a development permit application to the Hawaii Community Development Authority (HCDA) will not protect the community. I urge you to oppose SB3122, SD1 and to continue to support legislation that will insure NO RESIDENTIAL DEVELOPMENT IN KAKAAKO MAKAI.

Pamela Wood  
725 Kapiolani Blvd., #3002

**From:** [harvey3201@yahoo.com](mailto:harvey3201@yahoo.com)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Monday, February 24, 2014 6:40:42 PM

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Mr. Chairman,

I would like to present my testimony in opposition to SB 31221 SD1.

Having lived in Kaka'ako for the past 25yrs I have enjoyed the connection I was lucky enough to have had with the ocean. I raised my children here who also enjoyed the same. Even though I am aware that my children may have taken for granted the entitlement they received by being two blocks away from the ocean, I am certain as they grow into adults they will surely appreciate their good fortune.

When my son returns from school and secures his position in society I would like to be able to hand him the same opportunity so he to can raise his children in a beautiful area such as this. Unfortunately, development on the ocean front that will restrict public access at the very minimum may not allow him to do so.

There is much more to be said on this matter but I fully appreciate your time constraints and hope that you will consider the concerns of the public at large.

Thank you for your consideration of my testimony.

Peter Hollingworth.

Friends of Kewalos supporter.

Long time Kaka'ako resident.

Sent from Windows Mail

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [rdulcich@gmail.com](mailto:rdulcich@gmail.com)  
**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Tuesday, February 25, 2014 8:29:00 AM

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**SB3122**

Submitted on: 2/25/2014

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>
Richard Dulcich	Individual	Oppose	No

Comments: I oppose this bill. No residential construction should be allowed in Kaka'ako Makai. This land should not be sold to developers taking it out of the possession of Office of Hawaiian Affairs. The land should remain into perpetuity for the use of the Hawaiian peoples and developed in a way that helps support the Hawaiian peoples and OHA forever! Need ideas on how to develop? I have a list. Feel free to contact me. Mahalo.

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**From:** [Shereen Goto](#)  
**To:** [JDL Testimony](#)  
**Subject:** Testimony in opposition to SB 3122 SD1  
**Date:** Monday, February 24, 2014 9:49:15 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. Existing law preserves this land for all of Hawaii's people. Please do not allow an exception to this law.*

*Sincerely,*

*S. Goto  
Honolulu*

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [sherrianwitt@aol.com](mailto:sherrianwitt@aol.com)  
**Subject:** \*Submitted testimony for SB3122 on Feb 25, 2014 10:30AM\*  
**Date:** Monday, February 24, 2014 11:13:44 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>
sherrian witt	Individual	Oppose	No

Comments:

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## **Association of Hawaiian Civic Clubs**

P. O. Box 1135  
Honolulu, Hawai`i 96807

SENATE BILL 3122SD1 RELATING TO THE HAWAII  
COMMUNITY DEVELOPMENT AUTHORITY

SENATE COMMITTEE ON JUDICIARY AND LABOR

Tuesday, 2/25/14; 10:30 am; Room 016

Aloha Chairman Senator Hee, Vice Chair Shimabukuro and members of the Senate Judiciary and Labor Committee. I am Soulee Stroud, president of the Association of Hawaiian Civic Clubs here to testify in support of the compromise provided in SB3122SD1 as yet another way to resolve on-going issues between the State of Hawaii and the Office of Hawaiian Affairs.

We were especially pleased with the passage of Act 15, Session Laws of Hawaii 2012 which came out of SB 2783 that conveyed several parcels of land in Kaka'ako 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 of November 7, 1978 through June 30, 2012.

We saw the settlement as a potential for OHA to finally develop a significant revenue stream to meet its mission for the "betterment of conditions of Native Hawaiians". The settlement bill was valued at \$200 million.

During the same 2012 Legislative Session, the Senate proposed an amendment to SB 682 with a Senate Draft I. This Senate draft intended to allow two lots on the makai portion of the Kaka'ako community development district, to be developed as residential properties, exempted from public facilities fees, with provision that 20% of the units developed be designated for low or moderate income. These two lots were part of the OHA settlement lands.

Members from the Friends of Kewalo, as well as some residents of Kaka'ako testified in opposition to this proposal. The Senate draft died.



Both, the Office of the Governor as well as the Office of the Attorney General testified in support of this proposed Senate draft, without objection, so long as the bill as proposed not impede the passage of SB 2783 (the settlement bill).

The Office of Hawaiian Affairs expressed concerns that the Senate draft may impede the settlement, but noted that once OHA became the landowner, it would be in a position to request the enhancements provided in this draft at a later legislative session.

It would seem that the time has arrived for OHA to move forward with this initiative to enhance its ability to develop its Kaka'ako lands in a manner consistent with the \$200 million settlement promised. It was hoped that SB 3122 would serve as the vehicle to accomplish this initiative, but if so, it **includes quite a different set of numbers.**

It is with some disappointment that we concur with the language of SB3122SD1 to allow OHA to move forward in its plans to enhance the lands obtained in the settlement and finally achieve slightly tarnished dreams of self-determination and justice for the Native Hawaiian peoples. Mahalo for allowing me to testify today.

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)

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 Thomas Iwai Jr., a lifetime resident of Honolulu, Hawaii. Growing up in Kalihi, the ocean played a major part in my life and career. Our family was able to enjoy night fishing at Kewalo Basin and Fisherman's Wharf. During the day, we enjoyed shoreline fishing, diving, swimming, surfing, spending time at Ala Moana on family picnics, etc. Kewalos was and remains our recreational playground while Waikiki was (is) regarded more as a playground for tourists. If passed, SB3122 will forever change the complexion of Kaka'ako-Makai into another Waikiki, a concrete jungle of residential units sold to the highest bidder and investment speculators.

In 2006, Alexander & Baldwin had proposed the construction of high rise residential units in Kaka'ako-Makai. The public vehemently protested and a law was overwhelmingly passed that year by the legislature that prohibited residential development and any sale of public lands. The legislature correctly sided with the people to protect and to preserve this land for public use. State funds were appropriated by the legislature to develop a plan with community input. A Kaka'ako Conceptual Master Plan with specific guiding principles was developed and should be followed (e.g. Guiding Principles of Kaka'ako-Makai).

OHA was fully aware of the prohibition of residential development in Kaka'ako-Makai land when they accepted the Kaka'ako-Makai property. It is disingenuous for OHA to knowingly accept this property to resolve statutory disputes in 2012 and then to now propose in 2014 exemption from existing law as a form of entitlement. Also, the State Attorney General's Office, in earlier testimony presented to the members of the Committees on Hawaiian Affairs & Economic Development and Government Operations & Housing expressed concerns that SB3122 may violate the state constitution (Article XI, Section 5) by providing special legislation "*in the favor of a single person or entity (OHA)*

*by granting that single person or entity (OHA) a special or exclusive privilege.”*

Passing SB3122 will set a bad precedent and create a domino effect by allowing other landowners exemptions and opportunities for more high-rises when more open space is needed with the projected increase of 30,000 new residents in Kaka‘ako-Mauka. Creating another Waikiki “jungle” in Kaka‘ako is not prudent urban planning with current traffic and sewer problems still not resolved.

For the sake of all the people of Hawaii and especially for our keikis, please do the right thing as our legislators in 2006 had the foresight to do...kill SB3122.

Mahalo and Aloha,

Thomas Iwai Jr.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [autumnrose2010@yahoo.com](mailto:autumnrose2010@yahoo.com)  
**Subject:** Submitted testimony for SB3122 on Feb 25, 2014 10:30AM  
**Date:** Monday, February 24, 2014 10:47:49 PM

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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>
Wynnie Hee	Individual	Oppose	No

Comments: NO MORE condo development in Kakaako. OHA knew of the residential restrictions when they accepted the Kakaako Makai property as settlement. 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. It is "special legislation" and violates the State Constitution, according to an Attorney General's representative. Remember Superferry?

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