



**HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY**

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DAVID Y. IGE  
GOVERNOR

JOHN WHALEN  
CHAIR

DEEPAK NEUPANE, P.E., AIA  
EXECUTIVE DIRECTOR

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Statement of  
**DEEPAK NEUPANE, P.E., AIA**  
**Executive Director**  
Hawaii Community Development Authority  
before the

**HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**

Monday, March 29, 2021 at 2:30 P.M.  
Conference Room 325 & Videoconference

In consideration of  
**HCR 129 / HR 111**  
CONVENING A WORKING GROUP TO DISCUSS THE FUTURE DEVELOPMENT  
PLANS IN KAKAAKO MAKAI.

Chair Nakashima, Vice Chair Matayoshi, and members of the committee. The Hawaii Community Development Authority (HCDA) appreciates being included in this working group to discuss the future development plans in Kakaako Makai.

Thank you for the opportunity to provide **support** for this resolution.

**HCR-129**

Submitted on: 3/27/2021 10:02:21 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John & Rita Shockley	FREE ACCESS COALITION	Support	No

Comments:

Aloha!

Please support getting this planning group together. The public cannot continue banging heads with OHA management each year in the Legislature--a complete waste of resources and time. What is needed is a compromise plan where OHA can develop Kaka'ako Makai legally and make resonable profit without resorting to quick-buck luxury Hi-Rise condo buildings that no middle class Hawaiian or local family can afford.

You can't have a "cultural area" with residents being detached by vast wealth and no connection to the culture.

Hawaiian housing is a real issue. OHA tried to claim their high-rise buildings would house Hawaiians? This project to get the highest and greatest return for their land investment precludes any local Hawaiian residents.

If this discussion group is formed, we can set realistic goals thinking out of the box. OHA could serve their people by trading Kaka'ako Makai for much larger land tracts available out at Kalaeloa. The potential Hawaiian residential village offers way more possibility than stacking people in high-rises near Waikiki.

Please consider opening the gate to constructive planning by approving HCR 129.

Mahalo for your time:

Free Access Coalition

# O'ahu Island Parks Conservancy

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative Mark M. Nakashima, Chair

Representative Scott Z. Matayoshi, Vice Chair

Monday, March 29, 2021

2:00 PM

## **House Concurrent Resolution 129 and House Resolution 111** **Convening a Working Group to Discuss Future Development Plans in Kaka'ako Makai** **Support and Recommendations**

Aloha Chair Nakashima, Vice Chair Matayoshi and Committee Members:

HCR 129 and HR 111 are the most sensible measures produced by the 2021 State Legislature to address, and ultimately resolve, the continuing debacle surrounding the Kaka'ako Makai Public Shoreline Lands for the true benefit of all.

The State's Office of Hawaiian Affairs (OHA) was seemingly short-changed when a 30-acre portion of Kaka'ako Makai was offered to OHA and accepted, a portion of which is a toxic hot-spot comprised of incinerator fill within an area that was once a thriving Hawaiian fishpond.

In order to compensate for the shortcomings of this shoreline-zoned area, OHA has understandably struggled and endured challenges to achieve their objectives to support Hawaiian beneficiaries, as well as their corporate objectives of highest and best use by attempting to repeal the protective statute governing this shoreline area, HRS 206E-31.5:

**§206E-31.5 Prohibitions.** Anything contained in this chapter to the contrary notwithstanding, the authority is prohibited from: . . . (2) Approving any plan or proposal for any residential development in that portion of the Kakaako community development district makai of Ala Moana boulevard and between Kewalo Basin and the foreign trade zone. [L 2006, c 317, §1; am L 2014, c 61, §9]

Clearly the State Legislature did not permit repeal of this protective shoreline statute when first attempted, nor should this reversal be undertaken now or in the future.

Significantly, there appears to be a far better path for all concerned: the State Legislature by Resolution must encourage OHA to seek assistance from the State Office of Planning to determine appropriately-zoned State lands in central urban Honolulu to offer in exchange with renewed compensatory value for OHA's six (6) parcels in Kaka'ako Makai, to develop to highest and best use in the quest to support the Hawaiian beneficiaries and OHA's programs and services. Such an exchange has been recommended to OHA by State Legislators since their first attempt to extinguish Kaka'ako Makai's protective statute.

Therefore, it is recommended that the **Director of the State Office of Planning** be added to the list of Kaka'ako Makai working group members.

Beginning in 2005 and extending through 2010, representatives of the larger community throughout O'ahu, including Hawaiian cultural practitioners and educators, park users and shoreline surfers, representatives of the performing arts and sustainable agriculture, community leaders and residents of Honolulu communities from Downtown through Kaka'ako to Manoa through Hawaii Kai, comprised the **Kaka'ako Makai Community Planning Advisory Council**, the community-based planning group authorized by the Hawaii State Legislature to engage in planning the future of Kaka'ako Makai. This highly organized effort produced the Kaka'ako Makai Master Plan that was ultimately adopted by the Hawaii Community Development Authority in 2011.

The Vision and Guiding Principles serving as the foundation for the Kaka'ako Makai Master Plan adopted by the HCDA are attached. Apart from the lands to be exchanged for State public lands zoned for highest and best use within the urban area, the remainder of OHA's acreage in Kaka'ako Makai might benefit significantly from the Guiding Principles for Kaka'ako Makai as well as the Kaka'ako Makai Master Plan adopted by the Hawaii Community Development Authority in 2011.

With planning appropriate to Kaka'ako Makai's present land use laws and zoning regulations, and the recommended renewed compensatory land exchange in Honolulu's central urban area with existing highest-and-best-use zoning, OHA's remaining vast portion of Kaka'ako Makai can achieve many of the objectives and elements of the adopted Kaka'ako Master Plan to compatibly thrive as a shoreline asset that showcases Native Hawaiian identity, contributes to the Hawaiian cultural revitalization of Honolulu, and generates revenues to support needed programs and services for Hawaiian beneficiaries.

Respectfully submitted,  
Michelle S. Matson  
President, O'ahu Island Parks Conservancy

## **THE VISION FOR KAKA‘AKO MAKAI** **The Hawaiian Place of Ka‘ākaukukui and Kukuluae‘o**

Kaka‘ako Makai is the community’s gathering place. A safe place that welcomes all people, from keiki to kūpuna, with enriching cultural, recreational and educational public uses. A special place that continues the shoreline lei of green with scenic beauty, connects panoramic vistas mauka to makai, and encourages ecological integrity of land, air and sea. Kaka‘ako Makai honors, celebrates and preserves its historic sense of place, Hawaiian cultural values and our unique island lifestyle for present families and future generations.

### **GUIDING PRINCIPLES**

#### **Community Cultural Gathering Place**

Establish Kaka‘ako Makai as a gathering place where community and culture converge in response to the natural scenic beauty of the green shoreline open space.

Celebrate the intertwined cultures of the community by ensuring a welcoming gathering place for a broad cross-section of people diverse in age, income and ethnicity.

Provide enriching public recreational, cultural and educational opportunities for residents and visitors alike through Kaka‘ako Makai’s scenic coastal and marine environment, the Native Hawaiian cultural heritage, compatible facilities and activities, and historic sites and settings.

#### **Hawaiian Culture and Values of the Ahupua‘a**

Base the framework for planning, decision-making and implementation of the Kaka‘ako Makai master plan on Native Hawaiian values and traditional and customary rights and practices protected by the State.<sup>1</sup>

Emphasize the host Hawaiian culture.<sup>2</sup>

Incorporate the ahupua‘a concept and spirit of caring for, conserving and preserving the self sustaining resource systems necessary for life, including the land that provides sustenance and shelter, the natural elements of air, wind and rain extending beyond the mountain peaks and streams of pure water, and the ocean from the shoreline to beyond the reef where fish are caught.

Adopt the ahupua‘a lifestyle of individual kuleana working together and contributing to the whole for a greater level of stewardship, conservation, and proper management of resources with contemporary land-use benchmarks, such as growth boundaries and carrying capacity.

Assure that the planning of collective or individual traditional features, settings, and activities will be overseen by Hawaiian historic and cultural experts to prevent misinterpretation or exploitation.

#### **Open View Planes**

Protect, preserve and perpetuate Kaka‘ako Makai’s open view planes from the mountains to the sea as an inherent value of the Hawaiian ahupua‘a and an important public asset for residents, visitors and future generations.<sup>3</sup>

Ensure planning and development safeguards to identify, document, retain, restore and protect makai-mauka and diamond head-ewa open view planes to the Ko‘olau mountains, Diamond Head (Lē‘ahi) and the Wai‘anae mountains as seen from the view vantage areas and vicinities of Kaka‘ako Makai’s public lands and Kewalo Basin Harbor.

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<sup>1</sup> Hawaii State Constitution, Article XII, Section 7. Inform the planning process by the principles and traditions of the ahupua‘a, and inspire the master plan by the interconnected relationship of people.

<sup>2</sup> §206E-34(c)(5), Hawaii Revised Statutes. The Hawaiian host culture is emphasized as pre-eminent yet inclusive of other cultures.

<sup>3</sup> Significant Panoramic Views Map A-1, Honolulu Primary Urban Center Development Plan.

## **Coastal and Marine Resources**

Preserve, restore and maintain Kaka‘ako Makai’s valuable coastal and marine resources for present and future generations.

Enable the monitoring, protection, restoration, and conservation of natural coastal and ocean resources, including reef and marine life, through responsible stewardship and sustainable practices.

Protect and sustain the coastal environment for cultural uses including fishing, ocean gathering, surfing and ocean navigation.

## **Expanded Park and Green Space**

Ensure expansion of Kaka‘ako Makai’s shoreline parks as significant landscaped open spaces<sup>4</sup> joining the lei of green parks extending from Diamond Head (Lē‘ahi) to Aloha Tower.

Implement the Hawaiian values of the ahupua‘a and mālama ‘āina by preserving shoreline open space, protecting scenic coastal and marine resources, and respecting the natural interaction of people, land, ocean and air.

Welcome residents and visitors alike with green open space, abundant shade trees and opportunities for family recreation.

Use the established park planning standard of at least 2 acres per 1000 residents as a benchmark to assure sufficiency of park space to contribute to the health and welfare of Kaka‘ako Mauka’s growing population and offset increased urban density, noise and pollution.

## **Public Accessibility**

Provide open and full public access to recreational, cultural and educational activities within and around Kaka‘ako Makai’s parks and ocean shoreline.

Ensure complete public recreational access with minimal impact to the environment, including drop-off accommodation of ocean recreation equipment and connections to public transportation.

Provide a shoreline promenade and tree-lined paths to safely and comfortably accommodate pedestrians, bicyclists and the physically impaired.

Provide sufficient shared parking complementary to the natural setting to support all uses in Kaka‘ako Makai, with workplace parking available for recreational and cultural users during non-working hours.

## **Public Safety, Health and Welfare**

Ensure that Kaka‘ako Makai is a safe and secure place for residents and visitors.

Keep public use areas safe day and night for public comfort and enjoyment.

Ensure that exposure to land and ocean is environmentally safe for people and marine life by assuring timely investigation, determination, and remediation of contaminants.

Ensure that Kaka‘ako Makai remains free and clear of elements, activities and facilities that may be potentially harmful to the natural environment and public well-being, including laboratories containing and experimenting with Level 3 or higher bio-hazardous pathogens and/or biological toxins known to have the potential to pose a severe threat to public health and safety.<sup>5</sup>

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<sup>4</sup> Inclusive of Kewalo Basin Park, Kaka‘ako Waterfront Park and Kaka‘ako Gateway Park.

<sup>5</sup> Protection of the public health and safety is first and foremost in this area a) immediately adjacent to a Shoreline

## **Public Land Use Legislation – Public Use of Public Lands in the Public Interest**

Recognize and respect the effort and intent of the Hawaii State Legislature to uphold the greater public interest by ensuring and sustaining public uses on Kaka‘ako Makai State public lands for the greater public good.

Preclude the sale of public land and development of housing in Kaka‘ako Makai;<sup>6</sup>

Demonstrate commitment to serve the highest needs and aspirations of Hawaii’s people and the long-term good of Hawaii’s residents and future generations through community-based planning;<sup>7</sup>

Restore the site-dependent use of Kewalo Basin Cove to the Kewalo Keiki Fishing Conservancy.<sup>8</sup>

### **Kewalo Basin**

Ensure that Kewalo Basin Harbor’s unique identity is retained with continued small commercial fishing and excursion boat uses, keiki fishing and marine conservation, marine research and education, and accessible green park open space expanding the lei of green between Ala Moana Park and Kaka‘ako Waterfront Park.

Enable continued functional commercial boating uses at Kewalo Basin Harbor<sup>9</sup> and preserve the beneficial relationships between the existing small commercial fishing and excursion boat businesses and land-based maritime support service businesses.

Ensure that Kewalo Basin will continue as a State of Hawaii commercial harbor and valuable public facility asset by repairing, maintaining and enhancing the harbor for small commercial fishing and excursion boat use.

Ensure the protected use of Kewalo Basin Cove for Kewalo Keiki Fishing Conservancy keiki fishing and marine conservation programs.

Support Kewalo Marine Laboratory’s continued valuable marine biology and ecosystems research and education in the vicinity of Kewalo Basin.

Ensure preservation of Kewalo Basin Park, the net house and parking lot for public use, upgrade and improve existing facilities within the park, and provide green open space between Ala Moana Park and the channel frontage.<sup>10</sup>

### **Cultural Facilities**

Offer public enrichment opportunities through both fixed and flexible cultural facilities that celebrate the diverse cultures of Hawai’i and blend compatibly with the shoreline open space.

Contemplate compatible indoor and outdoor performance venues that encourage the teaching, practicing, and presentation of hula, theater, music, dance, and other performing and visual arts, with an outdoor multi-cultural festival space for Honolulu’s diverse ethnic communities.<sup>11</sup>

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recreation area and the urban population center, b) in close proximity to a regional beach park and the Waikiki primary visitor destination, and c) within the updated tsunami zone.

<sup>6</sup> §206E-31.5, Hawaii Revised Statutes.

<sup>7</sup> HCR 30, 2006.

<sup>8</sup> Act 3, 2007, Special Session.

<sup>9</sup> §206E-33(2), Hawaii Revised Statutes.

<sup>10</sup> Inclusive of greenbelt connections between Ala Moana Park and Kewalo Basin Park, between the Net House and Kewalo Basin Channel, and between Ala Moana Boulevard and Kewalo Basin to Point Panic.

<sup>11</sup> §206E-34(d)(3), Hawaii Revised Statutes.

Contemplate educational facilities, such as an exhibition hall with permanent, interactive and rotating exhibits, museums communicating the cultural history of the area, and places for traditional Hawaiian cultural practices.<sup>12</sup>

Establish a cultural market stocked by local farmers, fishers and Hawaiian traditional craft makers to reflect the Hawaiian values of gathering and trading in the ahupua‘a between the mountains and the sea.<sup>13</sup>

Ensure a community center for local families to gather, interact and learn from each other.

### **Small Local Businesses**

Apportion a limited number of small local businesses to assist in cooperatively sustaining Kaka‘ako Makai’s public use facilities. Ancillary small businesses may include diverse local restaurants, cafés, small shops, markets or other uses that will complement the recreational, cultural, harbor or other public facilities serving the community interest.<sup>14</sup>

Encourage small local enterprises that emphasize the Hawaiian culture and support traditional local products, rather than large corporate retailing attractions.

### **Site Design Guidelines –A Hawaiian Sense of Place in Landscape, Setting and Design**

Ensure that Kaka‘ako Makai’s public use facilities are compatible in placement, architectural form, and functional design within the landscape of the shoreline gathering place.<sup>15</sup>

Provide and maintain abundant native coastal plants and trees to blend the scenic and sensory qualities of the coastal environment and create a Hawaiian sense of place.

Identify, protect, preserve, restore, rehabilitate, interpret and celebrate Kaka‘ako Makai’s historic sites, facilities, settings, and locations.

Maintain the quality of coastal environmental elements including natural light, air and prevailing winds.

Mandate sustainability principles, conservation technologies, and green building standards for buildings, grounds and infrastructure.<sup>16</sup>

### **Community/Government Planning Partnership**

The Kaka‘ako Makai Community Planning Advisory Council places the public interest first and foremost, and will strive to uphold the greater good of the community in partnership with the HCDA as the public oversight agency by:

Openly working with the community, the HCDA and the HCDA’s planning consultants as guaranteed by government commitment to ongoing community representation and involvement throughout the master planning process;

Openly communicating with the State Legislature and other elected public officials;

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<sup>12</sup> §206E-34(d)(5), Hawaii Revised Statutes.

<sup>13</sup> §206E-34(a) and (b), Hawaii Revised Statutes.

<sup>14</sup> §206E-34(d)(2), Hawaii Revised Statutes.

<sup>15</sup> Encourage private development mauka of Ilalo Street to compliment the gathering place concept of the Kaka‘ako Makai public use area on public lands by providing landscaped set-backs and inviting open architecture at the street level.

<sup>16</sup> Ensure reasonable carrying capacity with limited infrastructure for sufficient water supply, storm-water drainage and waste disposal.



Committing the time and effort required to meet the goals and objectives of the Kaka‘ako Makai planning process, and advocating responsibly in the public interest both collectively and individually, notwithstanding premature or conflicting proposals.

### **Future Funding and Management**

Assure and assist viable and sustainable operation of public uses and facilities on State public land in Kaka‘ako Makai through public/private partnerships and 501(c)(3) non-profit management<sup>17</sup> similar to successful park conservancies and their stewardship programs.

The community land conservancy will be essential in determining safeguards to restore, protect and perpetuate Kaka‘ako Makai’s natural shoreline resources and view planes, historic and recreational resources, and public uses on State public lands in the public interest as a quality of life benchmark.

This conservancy may be a public/private partnership of the Kaka‘ako Makai Community Planning Advisory Council (CPAC), the Hawaii Community Development Authority (HCDA) or current oversight agency, and private contributing interests to both monitor and underwrite public use on State public land in service to the public good.<sup>18</sup>

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<sup>17</sup> §206E-34(c)(3), Hawaii Revised Statutes.

<sup>18</sup> A public/private community benefits agreement may be developed upon completion of the master plan to define respective responsibilities and contributions.

**HCR-129**

Submitted on: 3/27/2021 9:07:53 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joyce Kamemoto	Friends of Kewalos	Support	No

Comments:

This HCR speaks for itself. In order to dedicate time and meaningful effort to collaboratively reach a solution for all parties, this working group must be afforded the resources and support to strategize effective plans for all stakeholders. It will be most successful through the spirit of a respectful team approach.

**HCR-129**

Submitted on: 3/28/2021 9:35:53 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kevin Fung	Friends of Kewalos	Support	No

Comments:

**In 2011 the Hawaii Community Development Authority (HCDA), adopted the Kakaako Makai Conceptual Master Plan that took 5 years, over 40 public hearings, and the cooperation of a broad base of community groups which also included the Office of Hawaiian Affairs (OHA). This Master Plan presented the following 14 guiding principles for Kakaako Makai:**

- 1. Establish Kakaako Makai as a community cultural gathering place,**
- 2. Base the framework on Hawaiian culture and values of the ahupuaa,**
- 3. Protect, preserve, and perpetuate the open view plans,**
- 4. Preserve, restore and maintain coastal and marine resources,**
- 5. Expand park and green space,**
- 6. Provide open and full park access within and around the parks and ocean shoreline,**
- 7. Ensure public safety, health and welfare,**
- 8. Public land-use legislation – Public use of public lands in the public interest,**
- 9. Ensure that Kewalo Basin Harbor’s identity is retained,**
- 10. Cultural facilities that offer public enrichment activities,**
- 11. Apportion a limited number of small local businesses to assist in cooperatively sustaining Kakaako Makai’s public use facilities,**
- 12. Site design guidance – A Hawaiian sense of place in landscape, setting and design,**
- 13. Community/Government planning partnership that places the public interest first and foremost, and will strive to uphold the greater good of the community, and**
- 14. Assure and assist viable and sustainable operation of public uses and facilities on state public land in Kakaako Makai through public/private partnerships and 501(c)(3) non-profit management, similar to successful park conservancies and their stewardship programs.**

**Any future development in Kakaako Makai should follow these guiding principles. HCR 129 allows serious discussion with OHA, who over the years has swayed from these guiding principles by proposing residential development on their parcels within Kakaako Makai. Support of HCR 129 is a good step to a hopeful resolution between OHA and the community.**





To: Judicial & Hawaiian Affairs Committee  
Rep. Mark Nakashima, Chair, Rep. Scot Matayoshi , Vice Chair  
And Members

Date: Monday, March 29, 2021 at 2 pm  
From: *Friends of Kewalos*

Subject: Testimony in strong support to HCR 129  
Working toward a Solution

Aloha Representatives,

March 27, 2021

I was always taught don't only complain but help find a solution...

House Concurrent Resolution 129 will do just that. It will bring all stakeholders to the table to discuss alternative types of development for OHA's parcels in Kaka'ako Makai (KM)

*Friends of Kewalos* has educated the People to support this resolution in order for everyone to reach some kind of consensus on this topic. It is the righteous thing to do. It is my hope that they come through with enlightening testimony to persuade you to pass it and a solution is found.

*Friends of Kewalos* has been steadfastly protecting this land for 16 years now. This is the 4<sup>th</sup> time we had to campaign to keep this last public oceanfront land from being sold and being overrun by 400 foot private residential high-rises. Once you build residential the land turns from public to private instantly. We all have an obligation to protect and preserve this public land along our shores for the pure enjoyment of Hawaii's people.

We really need to do this so a suitable solution can be found so we do not have to testify as I am doing now, and rally again year after year to protect this special land, wasting yours and the People's precious time.

I would like to assure you that if a working group is convened, *Friends of Kewalos* will gladly participate in this discussion. In other words, we would like to be part of the solution that hopefully ends up benefiting all the People of Hawaii.

An especially important part of this discussion should include the KM Conceptual Master Plan, created by the People after 5 years of dedicated work, and adopted by HCDA in 2011, as the "go to plan" for the area. Up to now this has been largely ignored by OHA.

Lastly, I would like to share this history testimony for the sake of the members that were not around when the residential prohibition was enacted and how OHA got the land.

*On September 7, 2005, a state agency called the Hawai'i Community Development Authority (HCDA) voted unanimously to allow residential development*

*in Kaka'ako Makai (KM), the last public oceanfront land in urban Honolulu. Exactly one week after this zoning change, HCDA selected Alexander & Baldwin (A&B) as the master developer. Their plan revealed for the first time showing the extent of the \$650 million dollar project highlighting three 200 feet tall residential luxury high rise towers along with a giant 45 foot high pedestrian bridge spanning the Kewalo channel with high end restaurants and retail malls. On top of that, the 36.5 acres of public land was to be sold to A&B for \$50 million. A "sweetheart deal."*

*The People could not believe what just happened. Long story short, Save Our Kaka'ako Coalition was formed consisting of 12 organizations including: Friends of Kewalos, Save our Surf, Hawaii State Bodysurfing Association, Da Hui, Surfrider Foundation, Sierra Club, Life of the Land and others. This totally grassroots movement, fueled by the "Power of the People" included a March to the Capital, meeting with Governor Lingle, numerous rallies, and countless testimonies, was able to stop the project by rallying the support of all the legislators except one, to enact a landmark law banning the sale of public land and banning all residential development in KM. This law stands today as a testament to the public sentiment for this land.*

*The People did not stop there. After five years of hard work, a plan was created, this time with extensive public input, called the Kaka'ako Makai Conceptual Master Plan with a Vision Statement and 14 guiding principles. It was adopted by HCDA in 2011 and declared it to be the "go to" plan for future development of the land.*

*It was not over yet...*

*In the 2012 legislative session, two bills were introduced, one to transfer this same public land to the Office of Hawaiian Affairs (OHA) valued at \$200 million, to settle claims of back rent for the use of the ceded lands dating back to 1978.*

*The second bill would have allowed an EXCEPTION to the law and allow residential entitlements for two parcels in the OHA land settlement.*

*We believe the powers that be cleverly tied this bill to the settlement bill, which had a lot of momentum, in the hopes of squeezing it through together to benefit OHA. I was told the Governor at the time encouraged OHA to take the land settlement and not worry about the residential ban.*

*As it turned out OHA got the land, but the exception bill died due to public opposition.*

*They tried again in 2014 to get the exception bill passed, but again the People prevailed. Power of the People.*

*Now, they are trying again for the third time...*

*I would like to share part of an article by former Governor George Ariyoshi that he wrote for Hawaii Business News in 2006 about our mounting opposition to the KM sale of Public Land to build luxury high rise residential towers because it ties into what we are talking about today.*

He says “ HCDA asked, how can we put this land to use now?  
The People asked what do we want from this land in perpetuity?

*The People asked the better question with the realization that when the land is developed, other potentials are gone forever.”*

He continues “ In 1970, high rise construction was proposed the Magic Island and Kewalo ends of Ala Moana Park. Although this plan followed the original design for dredging and improving the area, the People spoke out against it. Today, this land is open space for the enjoyment of all.”

The \$50 million that the State would have made from the KM land sale back in 2006 would have long been forgotten. Today, the money would be gone.

I know other landowners are waiting in the wings to build too.  
If one exception is made, it would be difficult to deny others.

We are not against all development. We understand the people need housing, but ask yourselves “Is this the right place?” *We support “smart development” that puts emphasis on **People first over profit.***

In closing, The KM Master Plan along with the law has protected this land from becoming another Waikiki to ensure that this last public ocean front land in Honolulu will be preserved for the enjoyment of all the People of Hawaii.

It is too late for Waikiki, but not too late for Kaka’ako Makai.

I hope you enjoyed and learned from this story.

You, the legislators, and the Office of Hawaiian Affairs, have a huge responsibility as stewards of this land to respect its history, the law, and the principle of “*preserving what little oceanfront land we have left*” *not only in KM but the entire State.* Think beyond the “Making the Quick Buck”. In 10 years the money would be gone... But the towers remain.  
True riches of the land come when you can provide for the Hawaiian People and in turn the broader public year after year, generation after generation in perpetuity.  
That is how we all THRIVE.

Mahalo for this opportunity to share our mana’o.

Ron Iwami  
Friends of Kewalos, President  
Non profit 501C3  
[ronald@kewalo.org](mailto:ronald@kewalo.org)

*To Protect, Preserve, and Malama Kewalo Basin Park and the surrounding shoreline and ocean to ensure that the recreational user will continue to have access and the ability to enjoy the area for future generations to come.*  
[www.kewalos.org](http://www.kewalos.org)







**HCR-129**

Submitted on: 3/28/2021 12:49:30 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Allan Cool	Pe'a Records & Entertainment	Oppose	No

Comments:

Allan Cool STRONGLY OPPOSES HCR129/HR111

**“IT’S LIKE DEJA VU ALL OVER AGAIN!”**

**STOP HCR 129 / HR 111 !**

**HCR 129/ HR 111 is *another* attempt to *again*  
steal stolen Native Hawaiian lands and to  
*again* attack Native Hawaiian self-determination!**

Testimony of Kūpuna for the Mo‘opuna – HCR 129 / HR 111

**STRONG OPPOSITION**

Judiciary & Hawaiian Affairs – Chair Nakashima & Vice Chair Matayoshi – 3/29/21 @ 2pm



**STOP LEGAL THIEVERY!**

*Ua mau ke ea o ka ‘āina i ka pono!*

HOUSE OF REPRESENTATIVES  
THE THIRTY-FIRST LEGISLATURE  
REGULAR SESSION OF 2021

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair  
Rep. Scot Z. Matayoshi, Vice Chair

Rep. Linda Ichiyama	Rep. Nadine K. Nakamura
Rep. Dale T. Kobayashi	Rep. Roy M. Takumi
Rep. Matthew S. LoPresti	Rep. Chris Todd
Rep. Nicole E. Lowen	Rep. James Kunane Tokioka
Rep. Angus L.K. McKelvey	Rep. Gene Ward

AMENDED NOTICE OF HEARING

DATE: Monday, March 29, 2021  
TIME: 2:00 PM  
PLACE: VIA VIDEOCONFERENCE  
Conference Room 325  
State Capitol  
415 South Beretania Street

**Testimony in Strong Support of HCR129 & HR111**

Aloha Chair Mark Nakashima and Vice Chair Scot Matayoshi and Committee on Judiciary and Hawaiian Affairs:

The Kaka‘ako Makai Community Planning Advisory Council (CPAC) was created by the State Legislature in 2006, together with Act 317 (House Bill 2555) that prohibits the Hawaii Community Development Authority (HCDA) from approving any residential development in Kaka‘ako Makai and any sale of state land within the Kaka‘ako Community Development District. House Concurrent Resolution 30 (2006) urged the HCDA to “to immediately rescind any contract or agreement with A&B Properties and to convene a working group of interested stakeholders, particularly the groups and individuals that have surfaced in this controversy, to meaningfully participate in the development, acceptance and implementation of any future plans for the development of Kaka‘ako Makai.” The Kaka‘ako Makai Community Advisory Council was then formally established by the HCDA consisting of community groups and individuals to work in a collaborative effort to establish the Kaka‘ako Makai Master Plan, and in 2011, CPAC presented the [Kaka'ako Makai Master Plan](#) to the HCDA Board where it was unanimously approved and adopted. Since that time, the [Kaka'ako Makai Master Plan](#) has been the HCDA-approved Master Plan for the Kaka‘ako Makai lots that OHA acquired as a public land fiduciary in 2012.

The [Kaka'ako Makai Master Plan](#) was created to transform the land into a shoreline gathering place for locals and visitors to enjoy. Consultants such as MVP Pacific Inc. (LEED), Townscape Inc., the Peter Apo Company (Peter Apo, former OHA Trustee) and Project for Public Spaces acted as facilitators for the comprehensive planning process for Kaka‘ako Makai as a whole and in compliance with the HRS 206E-31.5 Prohibitions on any residential development and any sale of state land in Kaka‘ako Makai. The primary projects and their locations were planned in detail during this comprehensive planning process, and their elements include traditional Hawaiian and multi-cultural venues, expanding the Shoreline Promenade and Kaka‘ako Waterfront Park Green Space, a Mauka to Makai Farmer’s Market and Fish Market, a Community Center and Performing Arts Center, a Hawaiian Museum of Music and Dance, a Surf and Watersport Museum Hall of Fame, the Keiki Fishing Conservancy, the UH Kewalo Marine Lab and various parking amenities compatibly integrated

throughout the shoreline cultural complex. Today, OHA is a public trust land owner subject to the HCDA's land use and zoning regulations, and with a stated commitment to the Kaka'ako Makai Master Plan adopted by HCDA in 2011. Therefore we request that OHA as a public trust land fiduciary be required to begin implementing elements as described in the existing Kaka'ako Makai Master Plan 2011.

On May 9, 2013 the Star Advertiser published this article that reported, "OHA says it will abide by the (Kaka'ako Makai) guiding principles of a master plan developed for the Kaka'ako area. The plan calls for open space, gathering places and shoreline access."

[OHA gets grants to study Kakaako lands | Honolulu Star-Advertiser](#)



## OHA gets grants to study Kakaako lands

By Audrey McAvoy  
May 9, 2013

The Office of Hawaiian Affairs is receiving \$400,000 in federal grants to look for petroleum and hazardous substances on several former industrial sites in Kakaako that are among land parcels the state gave the agency to settle a ceded land claim.

The grants will be used to determine what cleanup work will be needed at six parcels, the U.S. Environmental Protection Agency said Wednesday.

The land is among 30 acres of waterfront property worth about \$200 million. The state gave the land to the agency last year.

In exchange for the parcels, which are near downtown Honolulu and the Ward shopping area, OHA agreed to waive decades-old claims it had to money generated on land once owned by the Hawaiian monarchy. The monarchy lands house the Honolulu airport, state hospital, public housing projects and other facilities.

The grants are from an EPA fund for brownfields, which are former industrial sites contaminated by pollutants. Some of the six parcels once housed a garbage incinerator and auto repair shop. Others are still home to a shipyard, office buildings and a marine research laboratory.

The EPA says the grants provide communities with funds to assess, cleanup and redevelop contaminated properties. The grants aim to boost local economies while protecting public health and the environment.

OHA received a total of 10 parcels in its settlement with the state. Trustees have said they expect the parcels — collectively called Kakaako Makai — to be part of the land base for a new Hawaiian nation.

The agency has said the lands will provide revenue for programs benefiting Native Hawaiians, including college scholarships, cultural events and efforts to preserve Hawaiian culture.

OHA says it will abide by the guiding principles of a master plan developed for the Kakaako area. The plan calls for open space, gathering places and shoreline access.

The Kaka'ako Makai CPAC also requests that the State Office of Planning be added to the HCR129 and HR111 list of working group members to ensure the optimum outcome for all considerations of properly-zoned State lands that can be made available to ensure appropriate compensation with highest and best use for OHA's desires and purposes with strict adherence to all State laws, regulations and rules.

We therefore request OHA, a public land fiduciary presently under HCDA land use and zoning regulations, be required to implement the adopted 2011 Kakaako Makai Master Plan for their specific holdings within Kaka'ako Makai

The Kaka'ako Makai CPAC further urges that HCR129 and HR111 be approved to allow OHA to explore other viable options, including the exchange of some or all of their Kaka'ako Makai parcels desired to be developed to highest urban use for compensatory state land within the appropriate urban zoning district, and to allow the development of Kaka'ako Makai in a way that will create maximum "good will" with all users and community groups in the state by insuring that the public lands in Kaka'ako Makai will remain a public asset that will be appreciated and enjoyed by all for future generations.

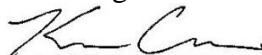
Respectfully,

Kaka'ako Makai Community Planning Advisory Council

Wayne Takamine M.B.A.  
Founding Member and Chair



Kanekoa Crabbe  
Founding Member and Vice-Chair



Michelle Matson  
Founding Member and Secretary







## **THE VISION FOR KAKA‘AKO MAKAI**

### The Hawaiian Place of Ka‘ākaukui and Kukuluae‘o

Kaka‘ako Makai is the community’s gathering place. A safe place that welcomes all people, from keiki to kūpuna, with enriching cultural, recreational and educational public uses. A special place that continues the shoreline lei of green with scenic beauty, connects panoramic vistas mauka to makai, and encourages ecological integrity of land, air and sea. Kaka‘ako Makai honors, celebrates and preserves its historic sense of place, Hawaiian cultural values and our unique island lifestyle for present families and future generations.

## **GUIDING PRINCIPLES**

### Community Cultural Gathering Place

Establish Kaka‘ako Makai as a gathering place where community and culture converge in response to the natural scenic beauty of the green shoreline open space.

- Celebrate the intertwined cultures of the community by ensuring a welcoming gathering place for a broad cross-section of people diverse in age, income and ethnicity.
- Provide enriching public recreational, cultural and educational opportunities for residents and visitors alike through Kaka‘ako Makai’s scenic coastal and marine environment, the Native Hawaiian cultural heritage, compatible facilities and activities, and historic sites and settings.

### Hawaiian Culture and Values of the Ahupua‘a

Base the framework for planning, decision-making and implementation of the Kaka‘ako Makai master plan on Native Hawaiian values and traditional and customary rights and practices protected by the State.<sup>1</sup>

- Emphasize the host Hawaiian culture.<sup>2</sup>
- Incorporate the ahupua‘a concept and spirit of caring for, conserving and preserving the self-sustaining resource systems necessary for life, including the land that provides sustenance and shelter, the natural elements of air, wind and rain extending beyond the mountain peaks and streams of pure water, and the ocean from the shoreline to beyond the reef where fish are caught.
- Adopt the ahupua‘a lifestyle of individual kuleana working together and contributing to the whole for a greater level of stewardship, conservation, and proper management of resources with contemporary land-use benchmarks, such as growth boundaries and carrying capacity.
- Assure that the planning of collective or individual traditional features, settings, and activities will be overseen by Hawaiian historic and cultural experts to prevent misinterpretation or exploitation.

<sup>1</sup> Hawaii State Constitution, Article XII, Section 7. Inform the planning process by the principles and traditions of the ahupua‘a, and inspire the master plan by the interconnected relationship of people.

<sup>2</sup> §206E-34(c)(5), Hawaii Revised Statutes. The Hawaiian host culture is emphasized as pre-eminent yet inclusive of other cultures.

### Open View Planes

Protect, preserve and perpetuate Kaka‘ako Makai’s open view planes from the mountains to the sea as an inherent value of the Hawaiian ahupua‘a and an important public asset for residents, visitors and future generations.<sup>3</sup>

- Ensure planning and development safeguards to identify, document, retain, restore and protect makai-mauka and diamondhead-ewa open view planes to the Ko‘olau mountains, Diamond Head (Lē‘ahi) and the Wai‘anae mountains as seen from the view vantage areas and vicinities of Kaka‘ako Makai’s public lands and Kewalo Basin Harbor.



## Coastal and Marine Resources

Preserve, restore and maintain Kaka‘ako Makai’s valuable coastal and marine resources for present and future generations.

- Enable the monitoring, protection, restoration, and conservation of natural coastal and ocean resources, including reef and marine life, through responsible stewardship and sustainable practices.
- Protect and sustain the coastal environment for cultural uses including fishing, ocean gathering, surfing and ocean navigation.

## Expanded Park and Green Space

Ensure expansion of Kaka‘ako Makai’s shoreline parks as significant landscaped open spaces 4 joining the lei of green parks extending from Diamond Head (Lē‘ahi) to Aloha Tower.

- Implement the Hawaiian values of the ahupua‘a and mālama ‘āina by preserving shoreline open space, protecting scenic coastal and marine resources, and respecting the natural interaction of people, land, ocean and air.
- Welcome residents and visitors alike with green open space, abundant shade trees and opportunities for family recreation.
- Use the established park planning standard of at least 2 acres per 1000 residents as a benchmark to assure sufficiency of park space to contribute to the health and welfare of Kaka‘ako Mauka’s growing population and offset increased urban density, noise and pollution.

## Public Accessibility

Provide open and full public access to recreational, cultural and educational activities within and around Kaka‘ako Makai’s parks and ocean shoreline.

- Ensure complete public recreational access with minimal impact to the environment, including drop-off accommodation of ocean recreation equipment and connections to public transportation.
- Provide a shoreline promenade and tree-lined paths to safely and comfortably accommodate pedestrians, bicyclists and the physically impaired.
- Provide sufficient shared parking complementary to the natural setting to support all uses in Kaka‘ako Makai, with workplace parking available for recreational and cultural users during non-working hours.

## Public Safety, Health and Welfare

Ensure that Kaka‘ako Makai is a safe and secure place for residents and visitors.

- Keep public use areas safe day and night for public comfort and enjoyment.
- Ensure that exposure to land and ocean is environmentally safe for people and marine life by assuring timely investigation, determination, and remediation of contaminants.
- Ensure that Kaka‘ako Makai remains free and clear of elements, activities and facilities that may be potentially harmful to the natural environment and public well-being, including laboratories containing and experimenting with Level 3 or higher bio-hazardous pathogens and/or biological toxins known to have the potential to pose a severe threat to public health and safety.<sup>5</sup>

## Public Land Use Legislation – Public Use of Public Lands in the Public Interest

Recognize and respect the effort and intent of the Hawaii State Legislature to uphold the greater public interest by ensuring and sustaining public uses on Kaka‘ako Makai State public lands for the greater public good.

- Preclude the sale of public land and development of housing in Kaka‘ako Makai;<sup>6</sup>
- Demonstrate commitment to serve the highest needs and aspirations of Hawaii’s people and the long-term

good of Hawaii's residents and future generations through community-based planning;<sup>7</sup>

- Restore the site-dependent use of Kewalo Basin Cove to the Kewalo Keiki Fishing Conservancy.<sup>8</sup>

## Kewalo Basin

Ensure that Kewalo Basin Harbor's unique identity is retained with continued small commercial fishing and excursion boat uses, keiki fishing and marine conservation, marine research and education, and accessible green park open space expanding the lei of green between Ala Moana Park and Kaka'ako Waterfront Park.

- Enable continued functional commercial boating uses at Kewalo Basin Harbor<sup>9</sup> and preserve the beneficial relationships between the existing small commercial fishing and excursion boat businesses and land-based maritime support service businesses.
- Ensure that Kewalo Basin will continue as a State of Hawaii commercial harbor and valuable public facility asset by repairing, maintaining and enhancing the harbor for small commercial fishing and excursion boat use.
- Ensure the protected use of Kewalo Basin Cove for Kewalo Keiki Fishing Conservancy keiki fishing and marine conservation programs.
- Support Kewalo Marine Laboratory's continued valuable marine biology and ecosystems research and education in the vicinity of Kewalo Basin.
- Ensure preservation of Kewalo Basin Park, the net house and parking lot for public use, upgrade and improve existing facilities within the park, and provide green open space between Ala Moana Park and the channel frontage.<sup>10</sup>

5 Protection of the public health and safety is first and foremost in this area a) immediately adjacent to a Shoreline recreation area and the urban population center, b) in close proximity to a regional beach park and the Waikiki primary visitor destination, and c) within the updated tsunami zone.

<http://beta.abc3340.com/news/stories/1007/460171.html>

[http://www.nytimes.com/2007/10/05/us/05labs.html?\\_r=1](http://www.nytimes.com/2007/10/05/us/05labs.html?_r=1)

6 §206E-31.5, Hawaii Revised Statutes.

7 HCR 30, 2006.

8 Act 3, 2007, Special Session.

9 §206E-33(2), Hawaii Revised Statutes.

10 Inclusive of greenbelt connections between Ala Moana Park and Kewalo Basin Park, between the Net House and Kewalo Basin Channel, and between Ala Moana Boulevard and Kewalo Basin to Point Panic.

## Cultural Facilities

Offer public enrichment opportunities through both fixed and flexible cultural facilities that celebrate the diverse cultures of Hawai'i and blend compatibly with the shoreline open space.

- Contemplate compatible indoor and outdoor performance venues that encourage the teaching, practicing, and presentation of hula, theater, music, dance, and other performing and visual arts, with an outdoor multi-cultural festival space for Honolulu's diverse ethnic communities.<sup>11</sup>
- Contemplate educational facilities, such as an exhibition hall with permanent, interactive and rotating exhibits, museums communicating the cultural history of the area, and places for traditional Hawaiian cultural practices.<sup>12</sup>
- Establish a cultural market stocked by local farmers, fishers and Hawaiian traditional craft makers to reflect the Hawaiian values of gathering and trading in the ahupua'a between the mountains and the sea.<sup>13</sup>
- Ensure a community center for local families to gather, interact and learn from each other.

## Small Local Business

Apportion a limited number of small local businesses to assist in cooperatively sustaining Kaka'ako Makai's public use facilities.

- Ancillary small businesses may include diverse local restaurants, cafés, small shops, markets or other uses that will complement the recreational, cultural, harbor or other public facilities serving the community interest.<sup>14</sup>
- Encourage small local enterprises that emphasize the Hawaiian culture and support traditional local products, rather than large corporate retailing attractions.

#### Site Design Guidelines – A Hawaiian Sense of Place in Landscape, Setting and Design

Ensure that Kaka‘ako Makai’s public use facilities are compatible in placement, architectural form, and functional design within the landscape of the shoreline gathering place.<sup>15</sup>

- Provide and maintain abundant native coastal plants and trees to blend the scenic and sensory qualities of the coastal environment and create a Hawaiian sense of place.
- Identify, protect, preserve, restore, rehabilitate, interpret and celebrate Kaka‘ako Makai’s historic sites, facilities, settings, and locations.
- Maintain the quality of coastal environmental elements including natural light, air and prevailing winds.
- Mandate sustainability principles, conservation technologies, and green building standards for buildings, grounds and infrastructure.<sup>16</sup>

11 §206E-34(d)(3), Hawaii Revised Statutes.

12 §206E-34(d)(5), Hawaii Revised Statutes.

13 §206E-34(a) and (b), Hawaii Revised Statutes.

14 §206E-34(d)(2), Hawaii Revised Statutes.

15 Encourage private development mauka of Ilalo Street to compliment the gathering place concept of the Kaka‘ako Makai public use area on public lands by providing landscaped set-backs and inviting open architecture at the street level.

16 Ensure reasonable carrying capacity with limited infrastructure for sufficient water supply, storm-water drainage and waste disposal.

#### Community/Government Planning Partnership

The Kaka‘ako Makai Community Planning Advisory Council places the public interest first and foremost, and will strive to uphold the greater good of the community in partnership with the HCDA as the public oversight agency by:

- Openly working with the community, the HCDA and the HCDA’s planning consultants as guaranteed by government commitment to ongoing community representation and involvement throughout the master planning process;
- Openly communicating with the State Legislature and other elected public official; and
- Committing the time and effort required to meet the goals and objectives of the Kaka‘ako Makai planning process, and advocating responsibly in the public interest both collectively and individually, notwithstanding premature or conflicting proposals.

#### Future Funding and Management

Assure and assist viable and sustainable operation of public uses and facilities on State public land in Kaka‘ako Makai through public/private partnerships and 501(c) (3) non-profit management<sup>17</sup> similar to successful park conservancies and their stewardship programs.

- The community land conservancy will be essential in determining safeguards to restore, protect and perpetuate Kaka‘ako Makai’s natural shoreline resources and view planes, historic and recreational resources, and public uses on State public lands in the public interest as a quality of life benchmark.
- This conservancy may be a public/private partnership of the Kaka‘ako Makai Community Planning Advisory Council (CPAC), the Hawaii Community Development Authority (HCDA) or current oversight agency, and private contributing interests to both monitor and underwrite public use on State public land in service to the public good.<sup>18</sup>

17 §206E-34(c)(3), Hawaii Revised Statutes.

18 A public/private community benefits agreement may be developed upon completion of the master plan to define respective responsibilities and contributions. KAKAAKO COMMUNITY

## **DEVELOPMENT DISTRICT**

### **§206E-34 Cultural public market. [Act 231, 2005)**

- a) There shall be established within the Hawaii community development authority a state cultural public market.
- b) The cultural public market shall be located on state land within the Kakaako Makai area and developed pursuant to sections 206E-31, 206E-32, and 206E-33. A public parking lot shall be included.
- c) The Hawaii community development authority shall:
  - (1) Designate and develop the state-owned land for the cultural public market;
  - (2) Accept, for consideration, input regarding the establishment of the cultural public market from the following departments and agencies:
    - (A) The department of agriculture;
    - (B) The department of business, economic development, and tourism;
    - (C) The department of land and natural resources;
    - (D) The department of labor and industrial relations; and
    - (E) The Hawaii tourism authority;
  - (3) Consider and determine the propriety of using public private partnerships in the development and operation of the cultural public market;
  - (4) Develop, distribute, and accept requests for proposals from private entities for plans to develop and operate the cultural public market; and
  - (5) Ensure that the Hawaiian culture is the featured culture in the cultural public market.
- (d) Requests for proposals for the cultural public market shall contemplate but not be limited to the inclusion of the following types of facilities and services:
  - (1) Retail outlets for ethnically diverse products;
  - (2) Venues for businesses with ethnic themes, including restaurants and other service-related businesses;
  - (3) Theaters, stages, and arenas designed to showcase cultural performing artists as well as community performing arts;
  - (4) Exhibition space or museums that showcase artwork created by international and local artists; and
  - (5) Museums or other educational facilities focusing on the history and cultures of the various ethnic groups within Hawaii, including Hawaiian history. (Emphasis added)

**HCR-129**

Submitted on: 3/27/2021 9:11:36 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

support, mahalo!

**HCR-129**

Submitted on: 3/27/2021 11:53:23 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I strongly support HCR129 and the conveying of a working group to work towards a solution of this on-going issue of balancing the needs and charter of OHA with the preservation of green space of Kakaako Makai. This is a 16 year old problem that comes up every couple of years without real resolution. Now is the time to gather stakeholders and works towards a solution that makes sense for Hawaii and its future.

**HCR-129**

Submitted on: 3/27/2021 5:14:21 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

Act 15 of 2012 conveying Kakaako makai lands to OHA was a dirty way to split hawaiians and the locals that were born and raised in Hawaii. It appears that it was always part of the plan to let the luxury condominium developers to sit back and watch us fight and kill ourselves.

Establishing this working group represents the way our culture works things out rather than introducing bills that cause us to take sides, pulling us apart. We need smarter legislation. Don't cause rifts, we have too much turmoil as it is, why create more ?

When you look at what the younger hawaiian organizations are doing, they are not promoting building high rise luxury condominiums. They are trying to grow kalo, grow ulu, bring back fishponds - this seems to be the right thing to do. Hawaiian culture doesn't exist in luxury condominiums nor does it exist in american dollars.

The land and caring for it is most important thing for the hawaiian culture and Hawaii.

We have too many luxury buildings that are increasing run off that kills our reefs, diverts water from our aquifers and causes massive erosion.

More luxury condominiums bring foreign ways that dilute the hawaiian culture as they try to turn Hawaii into their lifestyle they bring with them. The infiltration of foreign behavior disrespects our land and resources.

It is time to follow the younger generation that is actually bringing back hawaiian culture the right way.

Our leaders need to bring us together, not pull us apart. Our land is slowly being ripped out from under our noses.

Thank you for the opportunity to submit testimony in support of HCR 129.

**HCR-129**

Submitted on: 3/27/2021 5:53:33 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Kobelansky Jr.	Individual	Support	No

Comments:

**Testimony in support of Bill HCR 129:**

**The hype:** we need affordable housing now to take care of our people and a couple of 400 foot towers in Kaka’ako Makai will do it.

**The reality:** we need affordable housing now to take care of the speculators who buy low and sell high and in doing so drive up land values & housing costs that prevent locals from owning or renting anything reasonable or worthwhile.

**The conclusion:** Affordable Housing must be done for the right reasons. To allow speculation is not the right reason. To allow high-rises in a non-residential area is not the right reason either. Put a lid on speculation and all other clever activities and enact strict laws to prevent this from happening. It’s got to be really really really strict laws because people don’t care when it comes to money. They will dodge bullets and run through fire to flip that property and pocket the Profit and then leave the community, high and dry.

You know what I’m saying is true, otherwise I wouldn’t be saying it and you wouldn’t be reading this. This kind of thinking covers up the real problem which is greed... for in “greed” there is no limit!

I am not against development or building affordable housing. As a member of this community and as a part Hawaiian person we need the highest and strictest standards for the betterment of all members of the community and by setting the highest standards we set the tone for the rest of the community to follow.

The system here is broken. Leave that land alone and solve the problem another way. You can do it! Put your smartest people on it and figure it out.

We owe it to the community and for the future generations to come.

Always preserve and protect. Hawaii deserves the best and only the best. That’s why we live here.



Me ke Aloha ku home o Kaka'ako,

John Kobelansky Jr. (resident of Kaka'ako)

**HCR-129**

Submitted on: 3/28/2021 10:34:59 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

Aloha. My name is Mailani Maka'Āna'i. I am opposing there being a "working group" as this land transfer was meant to settle the state's insurmountable debt to OHA which the state could not pay back in cash.

Follow through with this settlement of psychotic debt the state owes to OHA truly be a settlement that was agreed upon. Once this transfer was agreed upon these 30 acres were NO LONGER public lands.

Furthermore, allow residential development . Fact: O'ahu has a housing crisis.  
Fact: nothing has positively impacted this housing crisis in the last 20 years.

If the state pushes this working group agenda, then the message is clear.

The state DOES NOT want OHA and Hawaiians to succeed at all. Even with just 30 acres of land.

The record will report that the state underhandedly transfered these lands to OHA NOT in good faith

In addition to this purposefully failed plan, the state is communicating to the general public it has NO clear vision to solve our housing crisis and NO clea vision in the coming years .

**HCR-129**

Submitted on: 3/28/2021 10:44:12 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kilia Purdy-Avelino	Individual	Oppose	No

Comments:

Any issues concerning Native Hawaiians and our future should be represented by a majority group of Native Hawaiians and not just a representation of one voice/one seat! That is utterly ridiculous and has been happening for too long in too many arenas - our water, our homesteads & land, development, etc.! Enough is enough! We need equality for our people; we need to be fairly and equally represented!

**HCR-129**

Submitted on: 3/28/2021 10:50:27 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
B.A. McClintock	Individual	Oppose	No

Comments:

Please oppose this bill! How can we discuss anything without including the people we are discussing? This is ridiculous!

**HCR-129**

Submitted on: 3/28/2021 10:57:45 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Faylene Mahina Duarte	Individual	Oppose	No

Comments:

Honorable Legislators,

I am a small business owner that owns and operates two businesses in Honolulu. I adamantly **oppose** HCR129 as this measure would effectively stall progress on the Kaka'ako settlement by:

- Undoing a major settlement between Native Hawaiians and the State of Hawai'i for 30 years of back due public land trust payments?
- Undermining the Native Hawaiian people's right of self-determination in managing stolen, then, rightfully reclaimed Hawaiian land
- Intrude on the exclusive trust responsibility held by OHA to manage trust assets for Native Hawaiian beneficiaries

Thank you for not advancing this bill forward.

Sincerely,

Mahina Paishon-Duarte

**HCR-129**

Submitted on: 3/28/2021 11:00:14 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I whole-heartedly oppose this resolution.

From my understanding, if passed, the working group would only allow ONE Native Hawaiian seat to voice the opinions of what Native Hawaiians should be allowed to do with their own land. Is this how Hawai'i will continue to pursue justice & FAIRNESS? Is this not more hewa?

This resolution represents an intrusion by the Legislature into the OHA Board of Trustees' exclusive authority under the state Constitution to manage the Native Hawaiian people's share of the Public Land Trust; a unilateral attempt to undo a major settlement between Native Hawaiians and the State of Hawai'i over the State's use of our people's ancestral lands; and an attack on the Native Hawaiian people's indigenous right of self-determination.

If Passed, HCR129 and HR111 Would Represent A Legislative Intrusion into the OHA Board of Trustees Exclusive Authority Over Native Hawaiian Trust Assets OHA's Kaka'ako Makai lands are Native Hawaiian trust lands. These lands are not public lands. The state Legislature cannot interfere with the OHA Board's exclusive authority under the state Constitution to manage these lands.

**HCR-129**

Submitted on: 3/28/2021 11:04:05 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I oppose backtracking on proposal hrc129. It is ridiculous that the outsiders have a say in how the lahui lands are too be used. In good faith oha negotiated the settlement after 30 years of waiting for the 200M TO BE PAID. The are showing reasonable negotiating and yet outsiders being the save kakaako and other non Hawaiians are trying to stop the development. I am a non Hawaiian and feel that kakaako is proactively being developed by Howard Hughes, Kobayashi group all the big guys in and outside the state of Hawaii and again the Hawaiians are being left behind. You read moriwaki's site she states she is pro housing and then her comments after she got elected are contrary. Typical politician, bs and then gets in and starts her own agenda for her own self promoting.

**HCR-129**

Submitted on: 3/28/2021 11:23:57 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I feel this is another shameful act against our Native Hawaiian people. This measure is definitely trying to undermine the right of self-determination. This proposed task force is an embarrassment and should not be allowed. Let OHA manage this very valuable asset as it sees fit! It's theirs to use for the benefit of the Hawaiian community. How dare you want to force a 'land exchange'. Why? Because it's worth a lot of money now and you want it for yourself? It makes me sad and angry that history is repeating itself yet again to hold back the rights of our Native Hawaiians.

I am extremely opposed to HCR129/HR111.

Roselani Oga



**HCR-129**

Submitted on: 3/28/2021 11:34:34 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

Please do not pass HCR129

MAHALO

TESTIMONY IN OPPOSITION OF HCR129/HR111  
CONVENING A WORKING GROUP TO DISCUSS THE FUTURE DEVELOPMENT PLANS  
IN KAKA'AKO MAKAI

Hearing: Committee on Judiciary & Hawaiian Affairs  
March 29, 2021

Aloha,

I am a resident of Kaka'ako and a Native Hawaiian and thus have a vested interest in this bill for more reasons than one. Earlier, I submitted testimony in support with amendments, but none of the amendments offered were adopted.

Accordingly, I now oppose this resolution for the following reasons:

- The title of the resolution is, "Convening a Working Group to Discuss the Future Development Plans in Kaka'ako Makai", yet its provisions are focused on the proposed development of the Office of Hawaiian Affairs and calling on the committee to identify public lands of comparable value suitable to OHA for a possible land exchange for some or all of its nine parcels in Kaka'ako Makai. This latter task intrudes on the management of the properties owned by OHA, thus, recommend its removal from the resolution.
- The composition of the working group is severely unbalanced, and participation of HCDA may compromise its future role in acting on any application for development by OHA. Currently, the committee consists of two government organizations (HCDA and BLNR), two legislative representatives (likely our Senate and House representatives for Kaka'ako, one of whom has already expressed opposition to OHA's development), two Kaka'ako community groups; and OHA. If this resolution proceeds, I propose amendment to remove HCDA; and to add a representative from two or more of the following organizations: 1) Native Hawaiian Legal Corporation; or 2) Native Hawaiian Bar Association, **and** 3) DHHL; or 4) the Native Hawaiian Chamber of Commerce. This would bring some balance to the group.
- The OHA Kaka'ako Makai Proposed Development Plan is not the only issue for the Kaka'ako Neighborhood as surrounding homeowners are concerned about other high rises and the seemingly endless approval of exemptions to height restrictions that allow for 400' buildings. Thus, the working group, as the title of the bill indicates, should be discussing not only the OHA development proposal, but all other development proposals impacting on the Ala Moana/Kaka'ako Neighborhood. If this proceeds accordingly, would recommend Section 3d also be amended to include a representative of the Ala Moana/Kaka'ako Neighborhood Board and a representative of the Kamehameha Schools and/or other developers to the working group for the following reasons:

Oahu's Neighborhood Board System was created in 1973 to assure community participation in the decision-making process of government. The system applies the

concept of participatory democracy, involving communities in the decisions that affect them. It establishes an island-wide network of elected neighborhood boards as communication channels, expanding and facilitating opportunities for community and government interaction. As developments in their neighborhood impact directly on the lives of residents, a representative of the Neighborhood Board should have a voice in the working group.

Kamehameha Schools is a large landowner proposing several developments in Kaka'ako. Similarly, there are other developers proposing developments in the Kaka'ako area. Their voices should likewise be heard in the working group.

Mahalo for your consideration of my comments and proposed amendments to HCR 129/HR111.

Respectfully,

Leimomi Khan

**HCR-129**

Submitted on: 3/28/2021 11:45:56 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I oppose HCR 129 due to the fact that the previous legislature approved that OHA determines the planning and development of Kaka`ako Makai.

**HCR-129**

Submitted on: 3/28/2021 11:50:24 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I fully support this resolution. A solution must e found to save this piece of public oceanfront land from from high rise development and being stolen by private entities. This land must remain open and public in perpetuity.

**HCR-129**

Submitted on: 3/28/2021 11:55:09 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I support this measure. A bill to overturn to ban on residential building in Kaka'ako Makai as been defeated 3 times. It's time that we as a community at least look into other alternatives and explore every option. OHAs Chair admitted that the deal they took wasn't the best for them but took it anyway. Maybe it's time we find the best deal for them and the community. Mahalo.

**HCR-129**

Submitted on: 3/28/2021 12:04:51 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I strongly support having a working group to move this forward since there are many pieces to this and neither OHA nor the community are able to go forward otherwise. It seems that only OHA and OHA supporters are not in favor of this, however, that indicates that OHA just wants to push their bill through without further discussion. I wonder why Hulu Lindsey would say that the Attorney General put the part of the 3rd party transference being possible into SB1334 (which she said on the PBS INsights Program on March 25th at 8 pm.) and then say that was not their idea. She then went on to say that Former Governor Abercrombie encouraged OHA to overturn the law regulating residential development AFTER accepting the land as settlement. There is a lot more here than is being acknowledged and without a working group, there will only be a blame game and half truths insinuated to create a for or against environment. To create a truly helpful and positive outcome, there needs to be a working together by all. **STRONG SUPPORT for HCR129!**

**HCR-129**

Submitted on: 3/28/2021 12:11:08 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I strongly oppose this measure to interfere with Kanaka Maoli rights to make their own decisions on behalf of their own ancestral land. Outside interference is illegal and unjust.



March 28, 2021

HCR129/HR111 CONVENING A WORKING GROUP

Aloha,

My name is Lehua Itokazu and I am a beneficiary of the Office of Hawaiian Affairs. OHA's Kaka'ako Makai lands are Native Hawaiian trust lands. These lands are not public lands. The state Legislature cannot interfere with the OHA Board's exclusive authority under the state Constitution to manage these lands. This proposed working group would invade OHA's right to plan and develop Kaka'ako Makai the way they see fit for their beneficiaries. This working group also allows OHA one seat at the table out of six seats. This group is supposed to discuss with OHA their future of development. This resolution is an insult to Hawaiian people. How can you think that this fair? Would this body impose this same type of resolution to a major private developer? I encourage you all to think of your actions and to think of how this resolution is injustice.

Mahalo nui for your time,

Lehua Itokazu

**HCR-129**

Submitted on: 3/28/2021 12:19:19 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I am strongly opposed to HCR 129. SB1334 that would have lifted an outdated prohibition on residential development and allowed OHA to build housing in Kaka'ako Makai died in the House last week.

HCR 129 proposes the creation of a working group to discuss the future development plans in Kaka'ako Makai. Of six seats on the proposed working group, only ONE seat has been reserved for Native Hawaiian representation, that lone seat has been reserved for OHA.

This group is being convened to discuss how Native Hawaiians should manage resources rightfully reclaimed after decades of legal battles and only one seat on this group has been reserved for Native Hawaiians.

**Should OHA participate in a task force proposed by House Leadership that would:**

- 1.) Undo a major settlement between Native Hawaiians and the State of Hawai'i for 30 years of back due public land trust payments?
- 2.) Undermine the Native Hawaiian people's right of self-determination in managing stolen, then, rightfully reclaimed Hawaiian land?
- 3.) Intrude on the exclusive trust responsibility held by OHA to manage trust assets for Native Hawaiian beneficiaries?

It is outrageous that a proposal such as this has been put forth by Rep. Saiki. HCR 129 represents an attack on the Native Hawaiian people's right to self-determination. OHA's Kaka'ako Makai lands are Native Hawaiian trust lands. These lands are not public lands. The state Legislature cannot interfere with the OHA Board's exclusive authority under the state Constitution to manage these lands.

**HCR-129**

Submitted on: 3/28/2021 12:29:02 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

Passed by an overwhelming majority in the Senate, SB1334 would have lifted an outdated prohibition on residential development and allowed OHA to build housing in Kaka'ako Makai.

But in a splendid example of hewa (immoral) political maneuvering, with Rep. Saiki adopting moves he no doubt learned from Kentucky Sen. Mitch McConnell, it died in the House on March 15.

Instead, the House Committee on Judiciary and Hawaiian Affairs is hearing a resolution to create a working group to discuss the future development plans in Kaka'ako Makai with only ONE seat on the working group reserved for Native Hawaiian representation – a seat to be filled by OHA.

It is undemocratic, paternalistic and incredibly ironic that a group is even being convened to discuss how Native Hawaiians should manage resources rightfully reclaimed after decades of legal battles - and that only one seat on this group has been reserved for Native Hawaiians.

How long will non-Hawaiians presume to decide our future?

HCR 129 / HR 111 will serve to perpetuate the long history of disenfranchisement and racism perpetuated against Hawai'i's Indigenous people in our own homeland. It is an assault on the right to self-determination of Native Hawaiians and, sadly, this time it is being perpetrated by local people – not by mainlanders or foreigners.

This ill-conceived measure is shibai.

It is nothing more than effort to: undo a major settlement between Native Hawaiians and the State of Hawai'i for 30 years of back due public land trust payments; undermine the right of Native Hawaiian self-determination in managing stolen, then, rightfully reclaimed Hawaiian land; and intrude on the exclusive trust responsibility held by OHA to manage trust assets for Native Hawaiian beneficiaries.

As a Native Hawaiian I STRONGLY OPPOSE this measure. It is not pono. It is oppressive and it is controlling.

And it smacks of colonialism.

**HCR-129**

Submitted on: 3/28/2021 12:34:06 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I am in full support of HCR 129, an opportunity for all parties and the community to come together and have open discussion about the future development plans in Kakaako Makai. I have only followed some of the controversy and know that open discussion with open hearts and minds that we can come up with solutions to the various issues regarding the development and conservation of this area.

Any chance to come together focused on solutions is always good. Thank you for this bill to have all parties come together and focus on the good we can do for our land and our future in Hawaii.

**HCR-129**

Submitted on: 3/28/2021 12:36:09 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I would like to submit my testimony in opposition to HCR129 and resolution to convene a working committee for future plans on Kakaako. This "working committee" to make decisions on Hawaiians land development is in danger of being biased and conflicting due to the lack of native Hawaiian voice on the committee. All representatives need to realize that this IS Hawaiian lands that were forcefully stolen and that by minimizing the Hawaiian voice to one seat on this "working committee" is continuing the actions of the insurrectionists who took away the voice of the Hawaiian people to their own ancestral lands.

In this time of racial disparity in the United States, there should be more action and recognition of our political representatives of non-indigenous background to the host lands, that would help to alleviate the problems we have with racial discrimination. In Hawai'i, how can you talk about "Stop Asian Hate" when you don't help to support the host first people, and oppose actions which minimize or erase their voice, especially in the leadership of their own lands that they did not willingly hand over to anyone? If you don't agree then I suggest that you get off your high horses and realize that the so called "privilege" that you take due to your "success" is not "yours" but comes from the hard work and suffering of your ancestors, many of whom would understand because their voices were also silenced by the insurrectionists.

**HCR-129**

Submitted on: 3/28/2021 12:58:41 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

Aloha Chair and members of the Committee.

I OPPOSE HCR129.

HCR129 would rollback what little justice the State of Hawaii has granted to Native Hawaiians for the loss of our ancestral lands.

Moreover, this resolution penalizes OHA for doing exactly what the State told Native Hawaiians to do.

In 2012, every Committee Report from the Senate on Act 15 told OHA to 1) develop these lands sufficiently to produce revenues to fund Native Hawaiian programs "in every corner of the state"; and 2) come back to the Legislature for future discussions about entitlements.

In addition, the courts have made clear that the question of exactly what portion of Public Land Trust revenues belong to Native Hawaiians can only be answered by the Legislature. So, in 2012, when the Legislature approved Act 15, which conveyed the Kakaako Makai parcels to OHA, it was the Legislature that transformed these lands from public lands to Native Hawaiian trust lands. Again, only the Legislature could have done this.

By divesting these lands of their public lands character, the Legislature agreed that it was stripping itself of management authority of these lands and, in the spirit of indigenous self-determination, empowering Native Hawaiians with the sole ability to administer these lands in moving forward.

With HCR129, the Legislature completely undoes what it did in 2012, and is now attempting to unconstitutionally control Native Hawaiian trust assets.

I urge this Committee to HOLD this resolution.

Mahalo for the opportunity to testify.





**HCR-129**

Submitted on: 3/28/2021 1:10:22 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

Only 1 seat at the table for OHA to be able to fight for our rights. This committee is rigged to produce the desired outcome of the state government and that is to deny our people the right to self determination once again. The state of Hawaii avoided paying the monies that was promised from all the years of mismanagement and now the state has the gall to propose a "working" committee to see if there can be a workable solution favorable to the state again. How blind do you think the Hawaiian people are? How much more of this abuse of power are we supposed to swallow? There were demonstrations recently to stop asian hating. How about the state government stop hawaiian hating. There was no real intention to help the hawaiian people when the lands at Kakaako were transferred to OHA. The real intention was to appease for the short term and then regain the lands when the time appeared to be right. Looks like the time has come for the land grab and there is no amount of smoke screen that the state can hide behind by pretending to follow the law. Laws can be modified, replaced by other laws to suit whatever the government decides is for the greater good. How much money will it take for the hawaiians to have self determination? It is truly amazing to see how much the state government really cares about its people that the state is named after. Are we just here to serve the wealthy who can afford to buy their way in? There is no affordable housing for the makaainana. All the developments that claim to build affordable housing is shibai. Affordable for who is what I want to know. Let the hawaiians determine our own future because no one else is looking out for us.

**HCR-129**

Submitted on: 3/28/2021 1:11:26 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I write in strong opposition of this resolution due to the fact that the Kakaako Makai lands were given to OHA by the State as a settlement owed to the Hawaiian people. These lands are private lands of the Native Hawaiian Trust, not State or Public lands, therefore the State should stop meddling and micromanaging in Hawaiian affairs. OHA and its new leadership is more than capable of developing and managing these lands as they and the Hawaiian people see fit.

**HCR-129**

Submitted on: 3/28/2021 1:13:48 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I stand with OHA in opposition to HCR129. Mahalo nui for your time.

**HCR-129**

Submitted on: 3/28/2021 1:16:49 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
B Puni Kekauoha	Individual	Oppose	No

Comments:

I, Bridget K Kekauoha, a native Hawaiian beneficiary and Hawaiian Homestead lessee in Papakolea, strongly oppose HCR129. This resolution would serve to:

1 - Intrude on the exclusive trust responsibility held by OHA to manage trust assets for Native Hawaiian beneficiaries;

2 - Undo a major settlement between Native Hawaiians and the State of Hawai'i for 30 years of back due public land trust payments; and

2 - Undermine the Native Hawaiian people's right of self-determination in managing stolen, then, rightfully reclaimed Hawaiian land.

Respectfully submitted.

Bridget K Kekauoha

**HCR-129**

Submitted on: 3/28/2021 1:26:38 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I strongly OPPOSE HC129.

The idea that the working group being convened - to discuss how Native Hawaiians should manage resources rightfully reclaimed after decades of legal battles - has only one seat reserved for Native Hawaiians is offensive.

Futhermore, that fact that that one seat is reserved for OHA begs the question as to why it would be prudent for them to engage at all in a task force and process that could potentially:

- undo a major settlement between Native Hawaiians and the State of Hawai'i for 30 years of back due public land trust payments
- undermine the Native Hawaiian people's right of self-determination in managing stolen, then, rightfully reclaimed Hawaiian land, and
- intrude on the exclusive trust responsibility held by OHA to manage trust assets for Native Hawaiian beneficiaries

Allowing Native Hawaiians greater freedom to decide how to manage their own lands to meet the needs of their people furthers the principle of indigenous self-determination first envisioned when OHA was created four decades ago.

The State made a promise to Native Hawaiians decades ago that their ancestral lands, which were stolen at gunpoint, would be administered in such a way that specifically benefited them.

This working group - specifically it's makeup and intent - flies in the face of the duty the State owes to Native Hawaiians.

**HCR-129**

Submitted on: 3/28/2021 1:36:19 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

Neither OHA nor ledj are impartial enough to instituted a "working group" that will take the people and/or place into consideration over money and influence. Leave Kaka'ako Makai open space, but figure how to use in a responsible manner that will truly be best for that area. Reparations are very hard to calculate by money alone.

**HCR-129**

Submitted on: 3/28/2021 1:39:42 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I STRONGLY OPPOSE HCR129/HR111, which convenes a working group to discuss the future development plans in Kakaako Makai and to identify public lands of comparable value suitable to OHA for a possible land exchange for some or all of its parcels in Kakaako Makai.

This is nothing short of a cynical intrusion by the House into the OHA Board of Trustees' exclusive authority under the State Constitution to manage OHA's Native Hawaiian beneficiaries' share of the Public Land Trust.

It is also a unilateral attempt by the House to undo a major settlement between Native Hawaiians and the State of Hawaii over the State's use of our people's ancestral lands and a direct attack on the Native Hawaiian people's indigenous right of self-determination. After a thirty years of litigation and failed negotiations between OHA and the State, the legislature transferred land to OHA in 2012 in lieu of the \$200 million in cash due and owing to Native Hawaiians for Hawaiian's share of the public land trust. Now the House wants to convene a working group to tell OHA how to develop the property the state deeded to it in that settlement, or, in the alternative, to have OHA and the state re-start conversations for yet another settlement to replace the settlement it made with Hawaiians and the Office of Hawaiian Affairs in 2012.

Hawaiians should see these House resolutions for what they are: "a heads I win, tails you lose" proposition to Hawaiians to undo promises made by the legislature to Hawaiians in 2012. "Trust me" the House is saying, "we will create a task force to overwhelm and control you, we will insert ourselves into your present Kakaako planning processes, we are here to help you, are here to guide you, because, in the end, although this is your property to serve your mission to "better the conditions of Hawaiians", we believe you Hawaiians are not competent to make these decisions for yourselves. But do not be afraid Hawaiians! Pay no never mind to the fact that five entities in our proposed resolution are non Hawaiian against the singular and only Office of Hawaiian Affairs! You must trust that we will come up with what is best for the Office of Hawaiian Affairs to do on your Kakaako lands! We know best what is good for you Hawaiians and you should and must trust us!

The House is also attempting to replace the promises they made to Hawaiians in 2012 with a new set of promises. Their intent is obvious and may be easily predicted and

scripted. "Another settlement to replace the current Kakaako settlement is good for you Hawaiians! You can trust us! We would NEVER mislead you, NEVER marginalize you, and NEVER break our word to you! If only you will trust us, we have a better deal awaiting you outside the urban core; away from the heart of Honolulu; away from a Kakaako that is best suited for modern working Hawaiian and local families to live, to work, to play, and to raise their families; away from a Kakaako that is centrally located to transportation, to jobs, to commerce, to medical facilities, and to education. Hawaiians! A pot of gold awaits you at the end of the rainbow if you would just come and play in the sandbox our resolution will create!

Let's recall the history of this place we call Kakaako. Contrary to what the view plane protectors are saying who live on the mauka side of Ala Moana Boulevard, in their 400 foot towers, located across Ala Moana Boulevard from where Hawaiians want to build housing for Hawaiians and the rest of our local community, Hawaiians lived in Kakaako for hundreds of years in a fishing village adjacent to fish ponds, until they were decimated by a pandemic, until they had their lands used as a staging point and treatment center for those infected with leprosy, until they returned to Kakaako to live in shanties after they were displaced and moved out of other areas of Honolulu, until they had their homes razed and burned and were forced to move out again, only to have their fishponds and wetlands filled with dredge from Honolulu Harbor and the ash and refuse from a garbage dump and incinerator which continued into modern times.

It is time for Hawaiians to return to Kakaako and for Hawaiians to build the Hawaiian and local community they envision that will provide access to housing, to jobs, to commerce, to transportation, to education, to the parks and the outdoors, and to the ocean for individuals, families, and the broader community. OHA has plans to build a Hawaiian sense of place that provides for all of these things. While that end may not occur overnight, I have no doubt that it eventually will occur and that the Office of Hawaiian Affairs is up to the task.

These resolutions must be seen for what they are and for what those who are now proffering them think of Hawaiians and the Office of Hawaiian Affairs. I respectfully ask that these resolutions be held.



**HCR-129**

Submitted on: 3/28/2021 1:45:15 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stephen T Hazam	Individual	Support	No

Comments:

Please support HCR129. Working together in a spirit of reconciliation and forgiveness is the Hawaiian way.

Thank you for allowing me the opportunity to submit testimony.

Mahalo,

Stephen T Hazam

**HCR-129**

Submitted on: 3/28/2021 1:49:03 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I ask of you, does our US government currently allow any one man the authority to control property of that which they stole? Man moves from Russia to Texas. Sneaks into a strangers house, holds them at gunpoint. He siezes the families equity and for the next 20 years they are forced to speak Russian.. Fast Forward 20 years the man is finally caught by the police. They scold him and He apologizes. He also agrees to give a very small portion back to the family. However, this family is only allowed to make changes to the property that he approves. If it does not benefit him, his pocket and his power, the request is not approved.

Is this the justice of which America has built their past? Yes.

We the Kanaka Maoli will no longer stand on the side and smile as if we are grateful for being abandoned and oppressed. We Oppose this bill that authorizes non-native Hawaiian people the authority to have a say in our future.

**HCR-129**

Submitted on: 3/28/2021 2:03:33 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

On the 23rd day of March 2021, I, Pulama Louis strongly oppose HCR129 and HR111. I oppose a legislative intrusion on OHA Board of Trustees Exclusive Authority Over Native Hawaiian Trust Assets; and other legislation that would push Native Hawaiians and the people out of the decision making process on our Native Hawaiian Lands. Furthermore, the community and Native Hawaiians should not be pushed aside and forgotten. These lands are significant and sacred, a community organization with no ties to Native Hawaiian culture, land, and people should not be responsible and have the Kuleana of deciding how OHA's board of trustees should administer its trust corpus and how land portions are spent.

Mahalo,

**HCR-129**

Submitted on: 3/28/2021 2:05:42 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kanani laea	Individual	Oppose	No

Comments:

I respectfully submit my testimony in strong opposition of this resolution although I, as a Hawaiian, with all of the other Hawaiian people have been disrespected time and time and time again!!! I have lived here in Hawaii, my homeland all of my life. Born of Hawaiian blood and so very proud of it and my ancestors who have gone before me. But never, never have I felt so discriminated against; so marginalized; so suppressed as a people of Hawaiian blood, as I do right now!!! I have observed such racism against Hawaiians in the last 3 weeks! There it is! Yes, discrimination and racism against Hawaiians. up until now it has been whispered over and over again. That is what this is all about! It is said; it is now out there. The TRUTH!!! This land; this state; this place called Hawaii is and always belonged to the Hawaiian people; until it was wrongfully and illegally stolen from us, from our ancestors, and since then- we have to fight and fight and fight to get "some" of it back! And when we do, we are supposed to stand idly by and let people of other ethic groups tell us what we can and cannot do with it!!! I say NO!!!! You know and everyone- EVERYONE- the legislature; the House; THE SPEAKER- YES EVERYONE KNOWS THAT THIS IS SO VERY WRONG!!!!!! But they think they can do whatever they want and get away with it. NO, NO YOU CAN'T. WE ARE TIRED OF BEING SUPPRESSED AND PUT DOWN! WE ARE TIRED OF EVERYONE TELLING HAWAIIANS WHAT TO DO, WHEN TO DO IT AND HOW!!!!!!!!!! NO MORE!!!!!!!!!! For once, do what is pono. Do what is pono for the Hawaiian people. Do what is right. And you know what that is...

ALLOWING OHA TO DEVELOP THE LAND AS THEY PLAN FOR SELF- DETERMINATION FOR THE HAWAIIAN PEOPLE. LAWA!!!

Mahalo and sincerely,

Kanani laea

**HCR-129**

Submitted on: 3/28/2021 2:14:18 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I, Marie (Malia) Louis stand in complete opposition to HCR129 and HR111. It is my firm belief that decisions regarding Ceded Hawaiian Trust Lands should be made by its direct constituents....people of Hawaiian ethnicity. I believe OHA should be involved in the facilitation of long term direction, course correction and part of the body of NATIVE HAWAIIANS who decide what shall and shall not become the fate of ceased lands in Hawaii.

There should be no compromise made and no leverage surrendered to any body of government, community neighborhood or business association regarding the fate of sacred ceded lands in Hawaii, period.

Thank you,

Malia Louis

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

DATE: Monday, March 29, 2021

TIME: 2:00 PM

PLACE: VIA VIDEOCONFERENCE

Conference Room 325

State Capitol

415 South Beretania Street

TESTIMONY OF ADRIAN K. KAMALI'I IN OPPOSITION OF HCR 129/HR 111

Chair Nakashima, Vice Chair Matayoshi and members of the Committee on Judiciary & Hawaiian Affairs, thank you for the opportunity to provide testimony in opposition to House Concurrent Resolution 129 and House Resolution 111.

If the House of Representatives wants to convene a real conversation about Kaka'ako Makai, its future developments, rulemaking and policies, the preamble concerning the Office of Hawaiian Affairs should be removed and the working group should include other stakeholders of the area such as the University of Hawai'i.

The resolutions as written spell out a disillusioned approach to finding common ground on privately owned lands and unfairly targets the Office of Hawaiian Affairs.

The University of Hawai'i never had a working group convened by legislative directive specifically for Kaka'ako Makai in their development of their medical school and the sparingly used Cancer Center. These two buildings are actually built on public lands.

Somehow Ala Moana Boulevard must host some sacred or magical powers that causes a chasm for sensible policymaking and rules as Kaka'ako Mauka has been host to a number of follies. Including developers seeking and obtaining an exemption to move the required affordable house credits outside of the district. Magically those who oppose OHA's exercise of their fiduciary responsibility but says housing and affordable housing is necessary never once raised their voice or gave cause for concern.

Having represented a large landowner in Kaka'ako at the height of wanting to develop residential towers, I recall no private land owner was directed by the legislature to convene any type of working group.

Why now? Why focus on OHA?

Adrian K. Kamali'i

**HCR-129**

Submitted on: 3/28/2021 2:28:51 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

Support Bill HCR129

CONVENING A WORKING GROUP TO DISCUSS THE FUTURE DEVELOPMENT PLANS IN KAKAAKO MAKAI, Especially, and Most Important, the INCLUSION of the FRIENDS OF KEWALO in ALL of these DISCUSSIONS.

Thank You!

**HCR-129**

Submitted on: 3/28/2021 2:53:47 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Oppose	No

Comments:

HCR129/HR111: CONVENING A WORKING GROUP TO DISCUSS THE FUTURE DEVELOPMENT PLANS IN KAKA'AKO MAKAI

Ke Kōlū, Mike Hale o ka Wai a me ka 'Āi, ina  
House Committee on Water & Land

As a native Hawaiian condominium owner in Kaka'ako, I STRONGLY OPPOSE HCR129/HR111, which convenes a working group to discuss the future development plans in Kaka'ako Makai and to identify public lands of comparable value suitable to OHA for a possible land exchange for some or all of its parcels in Kaka'ako Makai.

If Passed, HCR129 and HR111 Would Represent A Legislative Intrusion into the OHA Board of Trustees Exclusive Authority Over Native Hawaiian Trust Assets. HCR129 Represents a Unilateral Attempt to Undo a Major Settlement Between Native Hawaiians and the State of Hawaii.

Please HOLD HCR129/HR111.

Mahalo for the opportunity to provide testimony.

Aloha 'Āi, ina,

Benton Kealii Pang, Ph.D.

Kaka'ako, O'ahu



**HCR-129**

Submitted on: 3/28/2021 3:03:47 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Tadia Rice	Individual	Oppose	No

Comments:

**Aloha House Committee on Judiciary and Hawaiian Affairs:**

HCR129 represents an intrusion by the Legislature into the OHA Board of Trustees' exclusive authority under the state Constitution to manage the Native Hawaiian people's share of the Public Land Trust; a unilateral attempt to undo a major settlement between Native Hawaiians and the State of Hawai'i over the State's use of our people's ancestral lands; and an attack on the Native Hawaiian people's indigenous right of self-determination.

OHA's Kaka'ako Makai lands are Native Hawaiian trust lands. These lands are not public lands. The state Legislature cannot interfere with the OHA Board's exclusive authority under the state Constitution to manage these lands.

In 2003, the state Attorney General opined that the state Constitution "makes the elected trustees of OHA, not the Legislature, responsible for determining how the native Hawaiians' portion of ceded land receipts are spent [...]." The Attorney General went on to write that "the native Hawaiians' share of ceded land receipts does not belong to the State, and thus is not 'public money'" (emphasis added). If Native Hawaiian's share of Public Land Trust revenues are not "public money," then Kaka'ako Makai, which Act 15 deemed to be Public Land Trust revenues, are certainly not public lands, and are instead part of the trust corpus that the Constitution places squarely within the prerogative of the OHA Board of Trustees.

The proposed working group to discuss the "development plans" for Kaka'ako Makai would allow the Legislature and other organizations to intrude into the OHA Board of Trustee's exclusive authority and responsibility to manage its trust corpus for the sole benefit of its beneficiaries. The inclusion is also particularly offensive. It is wholly inappropriate for the Legislature, much less a community organization with no connection to the Native Hawaiian community, to determine how OHA's Board of Trustees should administer its trust corpus.

OHA opposes this legislative overreach and if passed, this measure would represent a significant and constitutionally problematic legislative intrusion into the OHA Board of Trustee's fiduciary prerogatives.

After decades of fighting and expending resources to settle this dispute, and after years of expending trust resources to manage our Kaka'ako Makai lands, OHA is now being told that the Legislature wants to unilaterally renegotiate the entire 2012 settlement. This is patently unfair and calls into the question whether the State can ever be trusted to deliver on its legal obligations to Native Hawaiians.

Should the 2012 settlement be re-opened under HCR129, it would mean that two significant legislative agreements between OHA and the State regarding the state's legal obligations to Native Hawaiians would have unraveled without being fully implemented. The other legislative agreement was Act 304, which finally established a formula for the Native Hawaiian people's share of Public Land Trust revenues in 1990. The Hawai'i Supreme Court invalidated Act 304 in 2001.

HCR129 Represents an Attack on the Native Hawaiian People's Indigenous Right of Self-Determination. In 2012, the Legislature transferred these Kaka'ako Makai lands for OHA to manage for its beneficiaries in furtherance of the State's commitment to support Native Hawaiian self-determination. The delegates to the Constitutional Convention in 1978 created OHA to be a vehicle for Native Hawaiian self-determination. The idea was to place Native Hawaiian resources into Native Hawaiian hands because Native Hawaiians understood where those resources would best go to meet our people's needs.

In 2012, lawmakers envisioned that these Kaka'ako Makai lands would become an economic engine to help Native Hawaiians statewide. These lands were not to serve only the immediate Kaka'ako community but to provide funds for Native Hawaiian communities throughout the entire State. As such, OHA has a fiduciary duty to seek the highest and best uses at Kaka'ako Makai to enable serving Native Hawaiians across the Pae'Ä• ina, from Ka'Ä« on Hawai'i Island to Kekaha on Kaua'i and all island communities in between.

If the Legislature won't allow Native Hawaiians to build housing on a former landfill in the middle of a portion of urban Honolulu experiencing massive commercial and residential redevelopment, where will the state allow Native Hawaiians to exercise self-determination over our ancestral lands?

I support OHA in their position and strongly urge the Committee to **HOLD** HCR129/HR111.

Mahalo.

**HCR-129**

Submitted on: 3/28/2021 3:40:11 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

Mahalo for the opportunity to provide testimony. I am writing in **strong opposition** of HCR129/HR111, which looks at convening a working group to discuss the future development plans of Kaka'ako Makai. OHA's Kaka'ako Makai lands are Native Hawaiian trust lands NOT public lands. The land is part of the trust corpus that the Constitution places squarely within the prerogative of the OHA Board of Trustees.

Mahalo for the opportunity to provide testimony.

Rhonda Roldan

**HCR-129**

Submitted on: 3/28/2021 4:46:01 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

This is theft all over again. Propose something that is based upon increasing Kanaka Maoli(Hawaiian) self sufficient determination of their assets and future away from the legislature and the state of Hawaii.

Please implement OHA comments for this bill.

**HCR-129**

Submitted on: 3/28/2021 5:38:30 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

HCR129/HR111

Aloha! My name is Robin Kealiinohomoku and I am a Native Hawaiian of Maui.

I oppose HCR129/HR111 in its efforts to create a group to manage the resources to develop Kaka'ako Makai lands. This land was part of a long legal battle trade, and ultimately a settlement between the Native Hawaiian people and the State of Hawaii in 2012 for the overdue monies owed to the Native Hawaiian people.

I strongly push back on this bill which is to allow a group created by Hawaii's State legislature to determine the future of Kaka'ako Makai, the use of it's resources and ultimately the future of the people, the beneficiaries of the public land trust. Our Hawaiian people have the right to Self-Determination and how Kaka'ako Makai lands should be developed.

I ask for your vote against this bill, HCR129/HR111!

Mahalo,

Robin Kealiinohomoku

Kahului, Maui

**HCR-129**

Submitted on: 3/28/2021 9:28:29 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I am writing in strong support of HCR129. We should focus on the long term goals and plans for Kakaako Makai that benefit the people of Hawaii, not short term profits for the very few. We All would benefit from a open dialogue and transparent process with and equal voice given to the people of Hawaii. There are many grass root groups that care and have a passion to protect the public land that they love and value. We don't have millions of dollars to lobby and sway you. We have only our collective voices and our hearts. Kakaako is already becoming swollen with 400 foot ultra-luxury and luxury towers that provide absolutely no housing for the people that need housing the most. There is a better way to develop Kakaako Makai. Give us a voice so that we can all be satisfied with how Kakaako Makai can be enjoyed for all of the people of Hawaii for many future generations.

Mahalo

**HCR-129**

Submitted on: 3/28/2021 10:02:49 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thomas T Shirai Jr	Individual	Support	No

Comments:

**Aloha Chair Nakashima & Committee Members,\**

**I am Part Hawaiian and support HCR 129 & HR 111. Saw the PBS Hawaii Forum and needs to be done. Hoomau so OHA can provide Hawaiians with an opportunity to have a residency. Mahalo.**



**HCR-129**

Submitted on: 3/28/2021 10:17:39 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

Aloha Chair Nakashima, Vice-Chair Matayoshi, and Members of the Committee,

I'm writing as a private citizen in strong support of HCR 129 which would convene a working group to discuss the future of the area known as Kakaako Makai. Those of us that wish to see the lands preserved with an increase in open space and for the entire community have long worked to protect this vision. Once you build, you cannot get that land or opportunity back. In 2006 the legislature agreed and passed HB2555 CD1 restricting the HCDA from selling, assigning, or approving any plan for residential development in the district makai of Ala Moana Boulevard, between Kewalo Basin and the foreign trade zone ([https://www.capitol.hawaii.gov/session2006/bills/HB2555\\_CD1\\_.pdf](https://www.capitol.hawaii.gov/session2006/bills/HB2555_CD1_.pdf)). It became law without Governor's signature.

After more than five years of meetings that brought agencies and community groups together, a conceptual master plan for mixed community uses of Kakaako Makai was developed and accepted by HCDA.

In 2012, I testified (again as a private citizen) in grateful support when Kakaako Makai parcels were identified by our previous Governor and given to OHA in partial payment for long-overdue rent on ceded lands. Having participated in the planning meetings, OHA had been supportive of the mixed-use community plan, so it is not clear at what point things changed. I agree that OHA should be able to develop their lands, but I believe even more that Covid-19 has shown all of us the value and importance of parks and open spaces, especially in urban areas, and that climate change will continue to prove that shoreline building is not a sensible long-term investment strategy. I hope OHA will agree for Kakaako Makai, and that additional or alternate lands may be found and given to Native Hawaiians for development. I respectfully ask for your support of HCR 129 so that the right people can be brought together to discuss this important issue. Thank you for your consideration and I apologize for the late testimony.

**HCR-129**

Submitted on: 3/29/2021 4:18:04 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sharlene Chun Lum	Individual	Oppose	No

Comments:

Aloha Kā• kou,

I am opposed to HCR 129 which suggests the legislature convene a working group to discuss the future development plans in Kakaako Makai and to identify public lands of comparable value suitable to the Office of Hawaiian Affairs for a possible land exchange for some or all of its nine parcels in Kakaako Makai.

Once the State offered and conveyed these Kaka'ako Makai lands as a fraction of the payment owed to OHA in 2012, they became Native Hawaiian trust lands. These are not "public lands" anymore.

Would the legislature even entertain the idea of creating legislatively formed groups to advise Howard Hughes (aka Ward Villages) or the Kobayashi group or Blackfield's Ala Moana Group on how they should develop their lands? Why should OHA be treated differently from any other private landowner?

OHA has the right to determine the responsible use of their own lands like any other landowner. In this case, these efforts are not for private gain, but for the betterment of the Hawaiian people through programs and services.

How much power would this working group described in this HCR have? It concerns me that this panel seems unfairly stacked--4 other parties, including a Senator and a group adjacent to OHA property, with their own agendas.

At the March 26 PBS Insight meeting, Sen. Moriwaki stated that she always envisioned OHA's land to be public land to be kept open, for yoga or other recreational uses for the public. This ignores the fact that the state's appraisal, done by the Hallstrom Group, assessed the value of the Kaka'ako Makai lands by assuming a 400 foot height limit for Parcels E and I, which far exceeds the current allowable heights for these parcels. The state presented OHA with the value of \$198 Million based upon its appraiser assuming they could build to the 400 ft level on Parcels E and I adjacent to Ala Moana Blvd. OHA has the fiduciary responsibility to use its resources to the best and highest use for the benefit of the Native Hawaiian people. Kakaako Waterfront Park already is available to the public for access to the beach and open spaces for relaxation.

Regarding the discussion of suitable land exchange, OHA had previously sought such lands but nothing was forthcoming until the offer of the Kakaako Makai lands. The HCR suggests the group come up with recommendations--but no real action regarding which lands might be exchanged. In the meanwhile, would OHA be restricted from moving forward on their own private lands?

Hawaiian beneficiaries will continue to wait --for assistance to get an education, a home, a good job while this working group "advises" OHA as to what they can do with the lands meant to provide services to the Hawaiian people? Furthermore, there are no guarantees that any land OHA may be given in exchange will not may have community opposition.

Why doesn't this HCR recommend OHA be paid in full with interest for the land? That would seem more productive than this working group that will further delay OHA's ability to produce more income for services and programs for Native Hawaiians. Hawaiians suffered for more than 100 years at the hands of "government." Nuff already.

Stop this overreach with HCR 129. OHA will already need to meet with HCDA regarding its plans and the public can weigh in at that time. Let OHA decide who it wants to invite to the table to discuss what to do with the land--that will be in the best interest of the Hawaiian people and the community at large. That would be the pono thing to do.

**HCR-129**

Submitted on: 3/29/2021 10:10:46 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

Aloha,

My name is Hi'iaka Jardine and I am a Native Hawaiian who strongly opposes HCR129/HR1111. OHA's Kaka'ako Makai lands are Native Hawaiian trust lands. These lands are NOT public lands. The state Legislature cannot interfere with the OHA Board's exclusive authority under the state Constitution to manage these lands. To then only include one seat for Native Hawaiians, which would be fulfilled my OHA, is a disgrace and a disrespectful proposition to all Native Hawaiians. Native Hawaiians should be at the forefront of the decision making process for this site, as it belongs to Native Hawaiians, and not the public. A working group should be comprised of primarily Native Hawaiians and then the deliverables of that could be presented to the appropriate parties for final approval and comment, not the other way around. The host culture should always be at the forefront of all endeavors on Hawaiian soil and the Native Hawaiian voice should be the most respected in all decision making processes on Hawaiian soil.

Respectfully,

Hi'iaka Jardine

**HCR-129**

Submitted on: 3/29/2021 10:48:47 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

If you wish to discuss further on the future development plans for Kaka'ako Makai, seek input from the proper channels that represent the Native Hawaiian Community. Having only 1 member from OHA on your "committee" has the optics that you don't care about the Native peoples input and that having this member on your board is just for show. If you decide to move forward with this proposal, expect the full force of the lahui to come to your doorstep. We will make this process as long and as painful as we possibly can (Legally of course, we do not engage in violence). We did it for Mauna Kea. We can certainly do it for Kaka'ako.

**HCR-129**

Submitted on: 3/29/2021 11:07:37 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I Ashley Andrews strongly oppose HCR 129/HR 111 which would represent a legislative intrusion into the OHA board of trustees executive authority over native hawaiian trust assets.

**HCR-129**

Submitted on: 3/29/2021 11:11:23 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I STRONGLY OPPOSE HCR129/HR111, which convenes a working group to discuss the future development plans in Kakaako Makai and to identify public lands of comparable value suitable to OHA for a possible land exchange for some or all of its parcels in Kakaako Makai.

This is another attempt to control resources designated for Native Hawaiians to use for the benefit of Native Hawaiians. OHA Board of Trustees have the exclusive authority under the State Constitution to manage OHA's Native Hawaiian beneficiaries' share of the Public Land Trust. While this attempt may be with good intentions, too much can go wrong during the course of discussion and Hawaiians have been in this position too often to not learn from the past. This almost always ends in a loss for Native Hawaiians. It is hard to believe that anything will be different this time. The state is asking Hawaiians, "trust us, this time it will work." A'ole.

It is also a unilateral attempt by the House to undo a major settlement between Native Hawaiians and the State of Hawaii over the State's use of our people's ancestral lands and a direct attack on the Native Hawaiian people's indigenous right of self-determination. After a thirty years of litigation and failed negotiations between OHA and the State, the legislature transferred land to OHA in 2012 in lieu of the \$200 million in cash due and owing to Native Hawaiians for Hawaiian's share of the public land trust. Now the House wants to convene a working group to tell OHA how to develop the property the state deeded to it in that settlement, or, in the alternative, to have OHA and the state re-start conversations for yet another settlement to replace the settlement it made with Hawaiians and the Office of Hawaiian Affairs in 2012. Again, I say A'ole (No).

Mahalo for the opportunity to submit testimony.

**HCR-129**

Submitted on: 3/29/2021 11:53:38 AM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

This is ridiculous and racist, how dare the state backtrack on its settlement with the Native Hawaiian people. Although I did not support this land settlement at first, I am opposed to backtracking on yet another promise by the State. The Office of Hawaiian Affairs deserves autonomy of the economic development of Kaka'ako makai, not some working group where OHA is only given one seat at the table!



**HCR-129**

Submitted on: 3/29/2021 12:00:08 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

Aloha,

I am in opposition of Bill HCR129 because I do not believe that we need more committee outside of OHA determining how native Hawaiian lands should be used. OHA serves that purpose and I believe it should stay that way. Outsiders to our historical struggle should not be able to make decisions on how our land should be used when all it will come down to is money for things that won't benefit the Hawaiian Communities.

Mahalo.

**HCR-129**

Submitted on: 3/29/2021 1:12:46 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I oppose any future development plans in Kakaako Makai.

**HCR-129**

Submitted on: 3/29/2021 1:35:32 PM

Testimony for JHA on 3/29/2021 2:00:00 PM

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

Comments:

I strongly oppose HCR129/HR111 as I feel it further removes control of Hawaiian lands from Native Hawaiians.

Mahalo,

Sherry P. Hester

CEO, Ulu HI-Tech