

SB995 HD1 Testimony

LATE TESTIMONY

David Rodriguez [REDACTED]

Sent: Saturday, March 21, 2009 10:33 AM

To: Rep. Ken Ito; Rep. Jon Karamatsu

Cc: WLOtestimony; JUDtestimony; Jim McMahon [jimm@oha.org]; GR [GR@oha.org]

Dear Chairpersons Ito and Karamatsu:

The Office of Hawaiian Affairs intends to submit late testimony to SB995 SD2 HD1 OHA Public Land Trust on Sunday, March 22, 2009 via Jim McMahon Esq.

We apologize for any inconvenience this may cause and appreciate your time and consideration to address this long standing issue.

Aloha,

David Rodriguez

Policy Coordinator

Office of Hawaiian Affairs

[REDACTED]

House Committee on Water, Land and Ocean Resources

Representative Ken Ito, Chair
Representative Sharon Har, Vice Chair

House Committee on Judiciary

Representative Jon Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair

LATE TESTIMONY

Senate Bill 995, SD2, HD1

Relating to the Office of Hawaiian Affairs

Monday, 23, 2009

House Conference Room 325

9:00 AM

Statement of Concerns

Aloha Chairs Ito and Karamatsu, Vice Chair Har and Committee Members:

I offer this testimony as an individual who has been an active Kaka'ako Makai Community Planning Advisory Council (CPAC) participant. The CPAC was established in 2007 in accordance with the intent of HCR30, 2006, which states in part as follows:

BE IT FURTHER RESOLVED that the Hawaii Community Development Authority immediately 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 Kakaako Makai

On February 17, 2009, representatives of the Office of Hawaiian Affairs (OHA) shared information with the CPAC on Senate Bill 995 and House Bill 901. Following this presentation CPAC participants inquired about OHA's intended conceptual plan for the Kaka'ako Makai property slated by the legislation to be transferred to OHA, and on March 10, 2009, the OHA representatives returned with a visual presentation of OHA's preliminary conceptual plan for the subject Kaka'ako Makai property.

The CPAC learned that many of the cultural and environmental values of OHA's conceptual plan parallel the CPAC's "Vision and Guiding Principles for Kaka'ako Makai" developed by consensus of makai area stakeholders and representatives of the larger community. However, during the first presentation many were concerned to learn that OHA *may* be seriously contemplating the development of residential units over retail spaces and an amphitheater at Point Panic akin to the HCDA's 2005-2006 failed A&B plan. Projected illustrations at the second meeting showed a 2-to-3 story shopping mall complex described to be comprised of many retail shops and restaurants with office space above, or residential lofts if the law can be changed. This dense commercial complex was shown to extend along Kewalo Basin from Fisherman's Wharf Restaurant to John Dominis Restaurant near Point Panic, and to include the piano-shaped lot where the failed A&B residential high-rises were formerly planned.

Taken separately or together these elements strike a chord of concern with the people of Honolulu who have passionately defended this remaining urban shoreline open space for needed public recreational, cultural and educational uses. From a sound planning standpoint this recreational open space will be essential to relieve existing crowding in our shoreline parks and better serve Honolulu's projected urban population in Kaka'ako, native Hawaiians and non-Hawaiians alike.

Senate Bill 995, SD2, HD1 threatens to compromise existing laws and legislative intent associated with Kaka'ako Makai, including §206E-31.5, HRS, and HCR 30, 2006, which were respectively enacted and adopted in light of overwhelming public support. *Specifically, §206E-31.5, HRS, protects Kaka'ako Makai public lands as the last existing urban Honolulu shoreline open space by prohibiting the sale of public land and prohibiting residential development, from which the subject property would be exempted according to this measure.*

In addition, high-density commercial retail development presently allowed by HCDA zoning policy would become the antithesis of the needs and desires of the larger community for the recreational, cultural and educational public uses envisioned for Kaka 'ako Makai should OHA follow this path. Further, given both the determined and undetermined soil contamination levels within the subject properties slated for this transfer, including the Honolulu Marine ship repair yard, more readily available revenue for OHA's beneficiary programs might be better achieved with legislative support through more viable properties among those listed by OHA for consideration by the State.

As established by the State Legislature's intent in recognition of the greater public interest, the larger community must have a voice in the planning of Kaka'ako Makai. The CPAC was established to represent the larger community, and the consensus "Vision and Guiding Principles for Kaka'ako Makai" sets Kaka'ako Makai apart as the Community Gathering Place with shoreline recreational, cultural and educational public uses. This document also acknowledges ancillary small local businesses as being necessary to these uses.

Therefore, should Senate Bill 995, SD2, HD1 be advanced by your committees, I respectfully urge amendments reflective of the following:

To ensure that the statutory guidance of Chapter 206E, HRS, specific to Kaka'ako Makai shall be incorporated with this measure, including §206E-31.5, a) to prohibit any sale of the subject public shoreline land and b) to prohibit any residential development on this public land.

To ensure that the legislative intent of HCR 30, 2006, is sustained and that the voice of the larger community is represented by the Kaka'ako Makai Community Planning Advisory Council established for this purpose, and that these advisory functions shall be made part of any transfer of Kaka'ako Makai lands from the HCDA to any state or county department or agency.

Kaka'ako Makai is the last existing shoreline open space in urban Honolulu that we can restore, preserve and protect for future generations. I believe that OHA can be an important part of this objective, and, with open communication and consistently working together, the future of Kaka'ako Makai as a significant shoreline gathering place and recreation area with important public uses could evolve into a great achievement for all.

Respectfully,

Michelle S. Matson

**HOUSE OF REPRESENTATIVES
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2009
Monday, March 23, 2009**

LATE TESTIMONY

COMMITTEE ON WATER, LAND, & OCEAN RESOURCES

Rep. Ken Ito, Chair
Rep. Sharon E. Har, Vice Chair

COMMITTEE ON JUDICIARY

Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

Testimony of Concerns and Suggestions for SB995, SD2, HD1

SB995, SD2, HD1

RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.

Amends the law to provide for the Office of Hawaiian Affairs to receive a portion of the income and proceeds from land in the Public Land Trust.

Aloha Chair Ken Ito and Vice Chair Sharon E. Har and the Committee on Water, Land, & Ocean Resources and Chair Jon Riki Karamatsu, Vice Chair Ken Ito and the Committee on Judiciary:

I would like to submit my testimony to voice my concerns of SB995, SD2, HD1.

As a lifelong resident of Honolulu, bodysurfer at Point Panic and member of the Kaka'ako Makai Community Planning Advisory Committee (CPAC), I appreciate the Legislature's efforts to resolve the dispute between The Office of Hawaiian Affairs (OHA) and the State of Hawaii. However, after reviewing SB995, SD2, HD1, I believe there are many loopholes that will compromise existing laws associated to Kaka'ako Makai and HCDA including elimination of:

- HRS206E-31.5 (relating to HCDA)
- ACT 317 (HB 2555) that prohibits HCDA from selling Kaka'ako Makai State Lands and Residential Development
- HCR 30 (requires HCDA to work with CPAC as the community's voice)

It is my understanding that SB995, SD2, HD1 will transfer Kaka'ako Makai land to OHA and exempt OHA from laws relating to HCDA including HRS206E-31.5 and ACT 317 that was established from the repeal of the HCDA and A&B Luxury Condominium RFP in 2006. SB995, SD2, HD1 must include language that prohibits OHA from selling State Lands in Kaka'ako Makai and restrict any RESIDENTIAL development. There also should be restrictions to height limits and commercial development in this area that is the last existing open waterfront space available increase public recreations uses in the Honolulu area. As it stands, SB995, SD2, HD1 will allow OHA to build without restriction, the same luxury condominiums proposed by the A&B RPF or Waikiki type Hotels and Timeshares.

There is also a need for the community to have a voice in the planning of Kaka'ako Makai. I support the Kaka'ako Makai Community Planning Advisory Council (CPAC) established by HCR30 as the community advisory group or any future planning in Kaka'ako Makai. I am in support of CPAC's adopted Vision and Guiding Principals (see attached) for Kaka'ako Makai as being "The Community's Gathering Place" that would include Cultural, Education and Recreational public uses and limit Commercial businesses.

I believe OHA will always play an important role in the Kaka'ako Makai. OHA headquarters are planned to be built fronting the ocean just Ewa of the Waterfront park. OHA is also an active participant in CPAC planning and understands they will be called upon to play a large role as leaders of the Hawaiian Community and the authority on Hawaiian history, culture, arts and ethics. The CPAC adopted vision and guiding principals focuses largely on the Hawaiian host culture for educational, cultural and historical themes for proposed of design and concepts in Kaka'ako Makai.

Currently, OHA is already slated to be prominent player in Kaka'ako Makai even without ownership, I cannot help but wonder if it would be more beneficial for OHA to pursue other lands with less restrictions in settlement with the State of Hawaii. With OHA as landowners of Kaka'ako Makai land, there are concerns that conflicts will arise from OHA's need to generate financial gains verses the public's need for community, cultural, educational, historical and recreational uses.

I respect the intention of SB995, SD2, HD1 to resolve the dispute between the State of Hawaii and OHA. However, I believe lands that were previously considered as solutions could provide OHA with more economic potential. I agree with WLO Chair Clayton Hee's recommendation in the March 20, 2009 HB901 hearing, to begin a study of all past land transfer proposals from the Waihee, Cayetano and Lingle administrations to determine which would provide the best economic opportunity for OHA's mission. Chair Hee suggested January 1, 2010 as the deadline for OHA's decision. This would give OHA, State of Hawaii and the community time to fully understand the situation and provide for better participation and input for the optimum solution to this long-standing dilemma.

Thank you for hearing my concerns and suggestions.

Respectfully,

Wayne Takamine
Honolulu, HI

KAKA'AKO MAKAI COMMUNITY PLANNING ADVISORY COUNCIL

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.¹

- *Emphasize the host Hawaiian culture.²*
- *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.*

¹ 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.

² §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.³

- *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 spaces⁴ 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.*

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

⁴ Inclusive of Kewalo Basin Park, Kaka'ako Waterfront Park and Kaka'ako Gateway Park.

Public Safety, Health and Welfare

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

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

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;⁶*
- *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;⁷*
- *Restore the site-dependent use of Kewalo Basin Cove to the Kewalo Keiki Fishing Conservancy.⁸*

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 Harbor⁹ 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.¹⁰*

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

⁶ §206E-31.5, Hawaii Revised Statutes.

⁷ HCR 30, 2006.

⁸ Act 3, 2007, Special Session.

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

Cultural Facilities

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

- *Contemplate compatible indoor and outdoor performance venues that encourage the teaching, practicing, and presentation of hula, theater, music, dance, and other performing and visual arts, with an outdoor multi-cultural festival space for Honolulu's diverse ethnic communities.¹¹*
- *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.¹²*
- *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.¹³*
- *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.¹⁴*
- *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.¹⁵

- *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.¹⁶*

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.

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

Future Funding and Management

Assure and assist viable and sustainable operation of public uses and facilities on State public land in Kaka'ako Makai through public/private partnerships and 501(c)(3) non-profit management¹⁷ 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.¹⁸*

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.

Testimony for SB995 on 3/23/2009 9:00:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, March 22, 2009 7:50 PM

To: WLOtestimony

Cc: [REDACTED]

LATE TESTIMONY

Testimony for WLO/JUD 3/23/2009 9:00:00 AM SB995

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Craig W. Jerome

Organization: Individual

Address: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 3/22/2009

Comments:

I would like to express my concerns regarding SB995.

I am a frequent user of Kaka`ako Makai. I run, gather with friends in family, and, during the summer months, body surf almost daily at Point Panic. I consider myself a "stakeholder" in the future of the area, and I believe that we must preserve the last green oceanfront space in downtown Honolulu.

I share the concerns of fellow bodysurfer and community member Wayne Takamine. Therefore, I join in his testimony.

I believe that any law providing for a transfer of the land to any organization, including OHA, must insure that:

(1) current laws in Kaka'ako Makai (HRS206E-31.5 and Act 317 (HB2555)) restricting Sales of Public Lands, preventing Residential Development, and limiting commercial development will remain in force.

(2) Kaka'ako Makai planning will continue with CPAC (HCR30) as the community's voice

(3) Kaka'ako Makai planning will continue with the adopted Vision and Guiding Principals for public use.

Furthermore, I believe that any decision on transfer of the lands should be delayed for a significant period to provide further review to determine that best solution for fair compensation to OHA from the State of Hawai`i (as proposed by Senate WLO Chair Clayton Hee).

The Kaka`ako Makai community has fought long and hard to preserve our gathering place. We will continue to do so.

Thank you for considering this testimony.

Sincerely,

Craig Jerome

Testimony for SB995 on 3/23/2009 9:00:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, March 22, 2009 7:56 PM

To: WLOtestimony

Cc: [REDACTED]

LATE TESTIMONY

Testimony for WLO/JUD 3/23/2009 9:00:00 AM SB995

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Patricia Nole

Organization: Individual

Address: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 3/22/2009

Comments:

Aloha, Please leave Kakaako area alone. Don't spend anymore monies over there. Town folks and others sincerely enjoy going there to relax, enjoy the beauty, bodysurfing contests, bodyboarding contests. Humane Society needs to go there for the cat population. But Leave the area alone, just enjoy it, save money, It's beautiful, recently finished nice as a park. Mahalo & Aloha, Sinerely, Patricia Nole

Testimony for SB995 on 3/23/2009 9:00:00 AM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, March 22, 2009 11:27 PM

To: WLOtestimony

Cc: [REDACTED]

LATE TESTIMONY

Testimony for WLO/JUD 3/23/2009 9:00:00 AM SB995

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Valerie Loh

Organization: Individual

Address: [REDACTED]

Phone: [REDACTED]

E-mail: [REDACTED]

Submitted on: 3/22/2009

Comments:

As an individual supporter of the Friends of Kewalo Basin Park Association, I submit testimony opposing the inclusion of the land parcel known as Kaka'ako Makai in this measure. Please eliminate all Kaka'ako Makai lands from this bill, SB995. This will protect and preserve these shoreline lands from development.

If these lands are to be included in this measure, please add provisions to this bill which direct OHA to abide by the same prohibitions as stated in HRS 206E-31.5; Act 317. In addition, OHA shall utilize the Vision and Guiding Principles Document and work with the CPAC to develop the lands in Kaka'ako Makai.

These provisions will ensure:

- 1) that the public land will not be sold
- 2) that the land will be kept public by not allowing private residential development
- 3) that the Public Input Process for developing this land is preserved

Please ensure that public lands remain public. Mahalo for your time,

Valerie Loh
Kaimuki

HPACH

919 4th Street
Pearl City, Hawaii 96782

LATE TESTIMONY

March 23, 2009

Representative Ken Ito, Chair
Representative Sharon E. Har, Vice Chair
And Committee Members On Water, Land & Ocean Resources
Representative Jon Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair
And Committee Members On Judiciary
House of Representatives, 2009 Legislature Session
State of Hawaii

Subject: SB 995 SD2, HD1, Relating To The Office Of Hawaiian
Affairs, OPPOSE

ALOHA Kakou,

My name is Richard Pomaikaiokalani Kinney. On January 17, 1993 after reading Public Law 103-150 I renounced my citizenship to the United States. I come here today as a Hawaiian National of the Hawaiian Kingdom. I strongly support the restoration of the Hawaiian Kingdom government that was invaded and occupied thru an Act of War on January 16, 1893 with the involvement of the diplomatic and military forces of the United States.

As Sovereign of the Hawaiian Political Action Council of Hawaii, I strongly OPPOSE the passage of SB 995 SD2, HD1.

Presently under the laws of the United States and the State of Hawaii Native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920 are the wealthiest beneficiaries in the United States. If it was not for the Native Hawaiians of the Hawaiian Homes Commission Act, there would be no State of Hawaii and most important no Office of Hawaiian Affairs.

Since the Congressional passage of the Hawaiian Homes Commission of 1920 and thru the Hawaii State Admission Act of March 18, 1959, Native Hawaiians of the Hawaiian Homes Commission Act are federally recognized as beneficiaries to the Public Lands Trust.

SB 995 SD2, HD1 is a Fraudulent Bill. SB 995 SD 2, HD1 ignores the rightful claims that all Hawaiians have to all of the national lands of the Hawaiian Kingdom that are presently administrated by the State of Hawaii.

SB 995 SD2, HD1 ignores lands that are classified as Section 5(a)

HPACH

919 4th Street
Pearl City, Hawaii 96782

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SB 995 SD2, HD1

Lands of the Hawaii State Admission Act. Section 5(a) Lands are those lands that were administrated by the Territory of Hawaii. Section 5(a) Lands are the bulk of the national lands of the Hawaiian Kingdom that all Hawaiians have an Inherent Sovereign claims as Kanaka Maoli Hawaii.

Since 1900 when Hawaii became a Territory of the United States the Indigenous Hawaiian people have never properly benefited from their national lands of the Hawaiian Kingdom. Instead the Kanaka Maoli Hawaii have always been on the losing end as the rightful claimers to their Sovereign Hawaiian Lands.

SB 995 SD2, HD1 is like the Apology Resolution that was signed into law by President Clinton in 1993. SB 995 SD2, hd1 is an admission of wrongful acts committed against the Indigenous Hawaiian people by the State of Hawaii.

Without a complete inventory of the Public Lands Trust there is no way that an honorable settlement of the past wrongs can be corrected thru any actions taken by this Legislative Body.

SB 995 SD2, HD1 does not correct the wrongs of the past but instead it covers up and perpetuates the Fraudulent Acts against all of the Native Hawaiian people.

Once more HPACH strongly OPPOSE the passage of SB 995 SD2, HD1.

Mahalo Nui for allowing me to give testimony on this Bill.

Attachments: Renouncement Documents

ALOHA KUU AINA HAWAII



Richard Pomaikaiokalani Kinney, SOVEREIGN
Hawaiian Political Action Council of Hawaii
87-168 Maaloo Street, Waianae, Hawaii, 96792
Email: HIAHAWAII@aol.com

HPACH

919 4th Street
Pearl City, Hawaii 96782

AUGUST 6, 1993

LETTERS TO THE EDITOR, THE ADVERTISER, HONOLULU STAR BULLETIN

DEAR SIR,

ON JANUARY 17, I RENOUNCED MY CITIZENSHIP TO THE UNITED STATES (LETTER ENCLOSED). ALL THE RECENT EVENTS SURROUNDING THE MOVEMENT FOR HAWAIIAN SOVEREIGNTY, TELLS ME THAT I MADE THE RIGHT DECISION.

THE HAWAIIAN KINGDOM WAS CREATED BY HAWAIIANS. HAWAIIANS FIGHTING HAWAIIANS AND SPILLING THEIR BLOOD TO BE AN INDEPENDANT NATION OF THEIR OWN AND THE FREE WORLD.

AFTER THE WARS WERE OVER, THE HAWAIIAN KINGDOM ORGANIZED ITSELF AS A NATION IN ACCORDANCE WITH INTERNATIONAL LAWS.

EVERYTHING, FROM A NATIONAL CONSTITUTION, TREATIES WITH FOREIGN NATIONS INCLUDING THE UNITED STATES TO BUILDING A NEW PALACE WERE ALL PARTS OF THE NEW NATION.

THE HAWAIIAN KINGDOM WAS CREATED FOR THE PERPETUATION OF HAWAIIAN SOVEREIGNTY OVER HAWAII.

THE PROVISIONAL GOVERNMENT OF HAWAII, THE REPUBLIC OF HAWAII, THE TERRITORY OF HAWAII AND THE STATE OF HAWAII GOVERNMENTS WERE ALL CREATED BY NON-HAWAIIANS TO HAVE AMERICAN SOVEREIGNTY RULE OVER HAWAII.

AFTER ONE HUNDRED YEARS OF BEING UNDER AMERICAN SOVEREIGNTY, HAWAIIANS TODAY SHOULD REALIZE THAT IT IS TIME FOR HAWAIIANS TO REUNITE OURSELVES AS A FREE AND INDEPENDANT NATION ONCE MORE.

HAWAIIANS TODAY MUST STAND UP FOR COMPLETE INDEPENDANCE FROM THE UNITED STATES. HAWAIIANS MUST SECURE HAWAII AS A NATIONAL HOMELAND FOR OUR CHILDREN AND THEIR CHILDREN'S CHILDREN TO COME.

HAWAIIAN SOVEREIGNTY MUST BE THE SUPREME LAW OF HAWAII.

UA MAU KE EA O KA AINA I KA PONO!

"HANA LIKE KAKOU NO HAWAII"

R. Pomaiokalani Kinney
RICHARD POMAIKAIOKALANI KINNEY

SOVEREIGNTY, HAWAIIAN POLITICAL ACTION
COUNCIL OF HAWAII

731 McCULLY ST., PH-3, HONOLULU, 96826

HPACH

919 4th Street
Pearl City, Hawaii 96782

AUGUST 6, 1993

LETTERS TO THE EDITOR, THE ADVERTISER, HONOLULU STAR BULLENTIN

DEAR SIR,

ON JANUARY 17, I RENOUNCED MY CITIZENSHIP TO THE UNITED STATES (LETTER ENCLOSED). ALL THE RECENT EVENTS SURROUNDING THE MOVEMENT FOR HAWAIIAN SOVEREIGNTY, TELLS ME THAT I MADE THE RIGHT DECISION.

THE HAWAIIAN KINGDOM WAS CREATED BY HAWAIIANS. HAWAIIANS FIGHTING HAWAIIANS AND SPILLING THEIR BLOOD TO BE AN INDEPENDANT NATION OF THEIR OWN AND THE FREE WORLD.

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STATE OF HAWAII
City and County of Honolulu } ss.

I, Henry Richard Kinney, Jr., a Native Hawaiian descendant and Sovereign, born on December 26, 1938 at Queen's Hospital in Honolulu, Hawaii, do hereby renounce my citizenship to the United States of America as of 6 P.M. Hawaiian Standard Time on January 17, 1993.

I protest against any and all acts done against my native country, the Hawaiian Kingdom and its constitutional sovereign, Queen Liliuokalani by United States troops on January 17, 1893. *tho*

Now, to avoid any collision of arrest from agents of the United States, and perhaps the loss of my life and freedom, I seek the full independence of the Hawaiian Islands as an independant nation of the Free World. *tho*

Henry R. Kinney

Henry R. Kinney, Jr.
731 McCully Street
Honolulu, Hawaii
96826

Subscribed and sworn to before me this

15th day of January, 1993

Gene H. O'Brien

Notary Public, First Judicial Circuit
State of Hawaii

MY COMMISSION EXPIRES 6-1-96