

Environment



Hawai'i

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Acts of Omission At the Commission

Proceedings of any kind before the Land Use Commission are famously slow. It can take years for redistricting petitions to get to a final vote. But it can take a painfully long time as well for the commission to enforce conditions attached to past approvals.

The cases of the drawn-out Kuilima Resort expansion and the Bridge 'Aina Le'a development illustrate just how difficult it can be for the commission to take back rezonings that add value, measured in the tens of millions of dollars, to the subject lands.

And should you think that the loss of agriculture lands to urbanization has little consequence, think again. As Patricia Tummons' review of two recent articles suggests, global warming may bring a day when food self-sufficiency in Hawai'i is a matter of vital importance rather than a pipe dream.

Commission Delays Forcing Developer To Justify Urban Designation at Kuilima

The state Land Use Commission does not seem to be in any rush to force Kuilima Resort Company to show why 236 acres of Urban land on the North Shore of O'ahu should not revert to the Agricultural District. Last month, the LUC deferred for the second time action on an April 2008 request by Defend O'ahu Coalition, Keep the North Shore Country, and the Sierra Club, Hawai'i Chapter for an order that the company be required to show cause why the land, redistricted in 1986, should remain in the Urban District when most of the conditions placed on that redistricting have not been fully met.

More than 20 years ago, the City and County of Honolulu and the LUC entered into agreements with KRC predecessor Kuilima Development Company that would allow it to expand its modest Turtle Bay resort to a 3,500-unit master-planned resort community, complete with employee housing, a

shopping village, five new hotels, and nearly 100 acres of resort condominiums. None of these have been built and the plan seemed to have been all but forgotten by the general public until KRC sought city approval for a massive subdivision in 2005.

Since then, KRC's efforts to expand the resort have been fought in court and before various government agencies by the coalition of community groups whose aim is to "Keep the Country Country," as their now ubiquitous bumper sticker says. At the same time, many resort employees who live nearby and want to see more jobs in the community have countered: What's so great about keeping the North Shore undeveloped if your family and friends have to move away to find jobs?

Should the LUC choose to put the 236 acres back into the Agricultural District, KRC manager Stanford Carr says the future of the

to page 5

IN THIS ISSUE

2

New & Noteworthy

3

Board Talk: Mauna Kea and More

7

Bridge 'Aina Le'a Gets Drubbing

8

*County Pact Could Halve
Number of Affordable Units*

9

*'Villages' Proposed for Area
Near Keahole Airport*

11

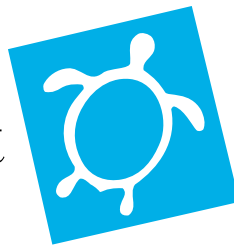
*Food Self-Sufficiency:
Ever More Difficult, Ever More Urgent*



An aerial view of Kawela Bay, where Kuilima Resort Company proposes to construct two hotels and a park.

PHOTO: SEAN DAVEY

Environment Hawai'i



Volume 19, No. 9

March 2009

NEW AND NOTEWORTHY

Going Ballistic: HBT – that’s short for herbicide ballistic technology – may be coming soon to a weed patch near you. James Leary, an invasive plant specialist at the University of Hawai'i's College of Tropical Agriculture and Human Resources, has taken the latest advances in paintball technology and applied it to weed management with impressive results.

During a talk at the U.S. Forest Service's office in Hilo, Leary explained his approach, which he describes as an exercise in "herbicide limbo – how low can you go?" Working with paintball manufacturers, he has managed to encapsulate micro-doses of several different herbicides in the gel capsules that normally contain paint. Using paintball guns, powered with compressed air, Leary can accurately deliver micro-doses of pesticides to individual plants up to 100 feet away – ideal for picking off weeds that are in hard-to-reach locations such as gulches or cliff faces.

In video clips posted on YouTube, Leary, outfitted in camouflage and goggles, can be seen

performing what he calls "weed-ectomies" – removals with surgical precision – on Australian tree ferns, fountain grass, and other incipient weeds.

The possibilities for applying this technology in Hawai'i are far-ranging, Leary said. On the ground, weed-control specialists outfitted with paintball guns can more easily reach individual weeds before they have a chance to become invasive. In the air, paintball technology could represent a major advance over existing helicopter weed patrols, where helicopter pilots have to dangle a tethered sprayball directly over the target plant, often in difficult conditions, to deliver a dose of herbicide. Leary envisions the day when two "gunners," with a navigator and pilot guided by precise maps of weed sites, are positioned on both sides of specially outfitted helicopters, firing away at plants on steep cliffs or in deep gulches with ammo fed from roof-mounted hoppers.

But there's more. Leary has approached the 910th Airborne Wing of the U.S. Air Force. That group, based out of Youngstown, Ohio, is trained in vector control during natural disasters. With their C-130s flying as low as 150 feet and at a speed of 200 knots, they can deliver uniform doses of pesticides at finely calibrated rates – down to half an ounce per acre, Leary said – and cover up to 500 acres an hour. Leary has been in discussions with the 910th about the prospect that it could train in Hawai'i – and at the same time, help with some of the state's thorniest weed invasions.

The Nature Conservancy's Trae Menard, on Kaua'i, has tried Leary's HBT and is a believer. "This is the future of weed control on cliffs and steep terrain," he says.

Busted Rock Busters: Rocks – the kind used in the stone walls ubiquitous all over the islands – are hardly in scarce supply on the Big Island. But when you're a wall builder, and don't have a private source of stones, where do you turn?

Apparently, state land. Agents of the Department of Land and Natural Resources' Division of Conservation and Resources Enforcement recently came upon a crew of wall builders helping themselves to the rocks on state land mauka of the HELCO power plant on the Kona Coast of the Big Island.

According to a DOCARE agent, the men weren't just tossing a few stones into the back of a pickup, but were using heavy machinery to excavate the rocks. One man was arrested and DOCARE seized two backhoes. The investigation is ongoing.

PUC Puts Reins on Wailuku Water: Long after the last sugar was harvested by Wailuku Sugar, years after the last semblance of agriculture occurred on lands owned by the its successor, Wailuku Agribusiness, the current avatar of the company, Wailuku Water, continues to hold onto the water channeled into the former plantation's irrigation systems. Indeed, water is the company's sole product these days, but until last year, the Wailuku Water Company had avoided regulation as a public utility.

Technically, the Public Utilities Commission stopped short of determining that the company is a utility, but in its order, issued January 9, it imposed stringent controls on what the company can and cannot do. It must maintain rates charged to current customers, may not add any new customers, is prohibited from transferring any assets, must file periodic financial statements, and must provide the PUC with updates on actions of the state Commission on Water Resource Management in the contested case over the company's rights to take water from West Maui watersheds.

The Public Utilities Commission began investigation of Wailuku Water after the Water Commission contested case was already well under way. As became apparent in that proceeding, the company was selling water to the public – an action that it may not legally do without PUC approval. In addition, many of the agreements between Wailuku Water and its customers specifically barred the customers from pushing for regulation of the company by the state, including the PUC in particular. Not until February 2008 did Wailuku Water apply for status as a publicly regulated utility.

In its January action, the PUC suspended the Wailuku Water docket until after the Water Commission makes its decision. That is not expected to occur until this summer at the earliest.

Environment Hawai'i

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Environment Hawai'i is published monthly by Environment Hawai'i, Inc., a 501(c)(3) non-profit corporation. Subscriptions are \$50 individual; \$85 supporting; \$85 corporate and institutional. Send subscription inquiries, address changes, and all other correspondence to *Environment Hawai'i*, 72 Kapi'olani Street, Hilo, Hawai'i 96720. Telephone: 808 934-0115. Toll-free: 877-934-0130. Facsimile: 808 934-8321. • E-mail: pattum@aloha.net Web page: <http://www.environment-hawaii.org>

Environment Hawai'i is available in microform through University Microfilms' Alternative Press collection (300 North Zeeb Road, Ann Arbor, Michigan 48106-1346).

Production: For Color Publishing

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ISSN 1050-3285

A publication of
Environment Hawai'i, Inc.

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Quote of the Month

*"This is crazy, this is nonsense,
this is insulting."*

— **Thomas Contrades, LUC,**
during hearing on Bridge 'Aina Le'a

BOARD TALK

Board Discussion of Mauna Kea Plan Hints at Controversies Yet to Come

“Mauna Kea is where heaven, earth and stars find union. Not just any heaven, but Wakea, not just any earth, but Papahānaumoku, and not just any constellation of twinkling lights, but Ho‘ohokūkālani, whose children descend and return to the stars...”

“For some Hawaiians, Mauna Kea is so revered that there is no desire to ascend it, no desire to trespass on what is considered sacred space. Simply viewing the tower, the mountain, from afar, both affirms its presence, and reaffirms the sense of connection with both place and personage. For this reason, many Hawaiians feel that activities on Mauna Kea that lead to visible alterations of the landscape not only have a significant effect on the mountain itself, but also have a damaging effect on everything and everyone that is physically, genealogically, spiritually, and culturally tied to Mauna Kea.”

— Draft Mauna Kea Comprehensive Management Plan, January 2009

The development of Mauna Kea for astronomy purposes has long been a controversial issue marked by years of enforcement and contested cases and lawsuits involving the University of Hawai'i, the state Board of Land and Natural Resources, and community members concerned about impacts to the natural and cultural resources of what they consider to be one of the most sacred places in all of Hawai'i.

This year, with the release of its draft Comprehensive Management Plan and accompanying environmental assessment, as well as the introduction of four bills in the Legislature regarding management of the mountain, the university is trying to resolve some of the thorny jurisdictional, procedural, social, and cultural issues that have been at the center of the controversies.

If discussion of the CMP at the board's February 13 meeting is any indication, resolving those issues to everyone's satisfaction may be impossible.

About a year ago, Dawn Chang of Ku'iwalu, the company hired to prepare the plan by the University of Hawai'i, briefed the Land Board about the university's intention to develop a CMP for the summit of Mauna Kea, which it leases from the state for astronomy purposes. The university decided to develop a CMP after Third Circuit Court Judge Glenn Hara reversed a 2004 Land Board decision to grant a Conservation District Use Permit to build six telescope components, called outriggers, around the mountain's W.M. Keck Observatory. Judge Hara had determined that Department of Land and Natural Resources' rules require the board to adopt a CMP for the summit before any CDUPs are issued.

Although some in the Hawaiian and environmental communities have claimed that the university is only crafting the plan to clear

the way for further major telescope developments, the CMP explains that Hara's decision merely highlighted the need for the university to “re-evaluate its perspectives on management of Mauna Kea, as well as the circumstances and history that led them to the present state. This self-assessment revealed shortcomings in past planning and management efforts and underscored the need to address them during the CMP process.”

On February 13, Chang (a former deputy attorney general who used to advise the Land Board) presented the board with a draft CMP, which she suggested the board adopt at its first meeting in April. Although the university had originally planned to seek board approval last December and legislation this year to establish administrative rules for the university's Office of Mauna Kea Management, it has instead decided to seek approval of the management plan and legislation for the OMKM simultaneously. In February, the university published a draft environmental assessment for the plan.

The plan addresses the use of three areas on the mountain: the Mauna Kea Science Reserve, facilities at Hale Pohaku, the 9,000-foot-level lodging for astronomers using the telescopes, and the summit access road — altogether about 13,000 acres. More than an inch thick, the plan discusses many things, from the community outreach that led to the plan's creation, to natural and cultural resources, to jurisdictional management issues. It includes a long section of recommendations on how the mountain should be managed and states that future development will be limited to the 525-acre Astronomy Precinct at the summit and at the 19-acre Hale

Pohaku. It adds that the university's 2000 Master Plan for the mountain sets aside 10,760 acres for preservation of natural and cultural resources. It also suggests that sensitive habitats could be further protected by prohibiting development of any currently undeveloped pu'u (cinder cones) at the summit.

The plan states that over the next 20 years, the Institute for Astronomy (IfA) plans to construct two new antennas and two concrete pads for the Submillimeter Array, redevelop the site of the existing 2.2 meter telescope for a Pan-STARRS Observatory (which can detect killer asteroids), demolish some old facilities and conduct site restoration. Mauna Kea is also in the running as one of two potential sites for the \$1 billion Thirty-Meter Telescope, which would be the largest telescope in the world. If Hawai'i is selected (the other site under consideration is in Chile), it would be located on Mauna Kea's northern plateau below the summit ridge.

Complaints

At the board's February meeting, several native Hawaiian cultural practitioners associated with a group called the Kanaka Council testified against the plan and called on the university to prepare an environmental impact statement to better address cultural issues and the psychological impact development of the summit has on native Hawaiians. While the plan addresses cultural issues in sections on cultural orientation and resources, as well as a “cultural anchor,” which was prepared by The Edith Kanaka'ole Foundation and provides some background on the cultural significance of Mauna Kea, Pele Defense Fund co-founder Palikapu Dedman told the board that the plan does not address any of the major issues of contention — the use of ceded land, the \$1-a-year lease rent, new development, cultural impacts — and merely “tells us how we should pray between garbage cans.”

Jim Medeiros testified that unless the underlying issues are addressed, “It's gonna go on and on in circles.” He added that he was



Mauna Kea

afraid that the “managed access” proposed in the plan would somehow affect his cultural access to the mountain. Hawaiian artist Rocky Jensen asked the board, “How do you let us wither on the vine, morally?”

Marti Townsend, program director for KAHEA: The Hawaiian-Environmental Alliance, also testified against the plan. “Who’s the university to dictate when a practitioner can come?” she asked. She also asked the board to delay its decision on the plan until after the end of the legislative session, in which four bills have been introduced seeking to transfer authority over portions of Mauna Kea from the Department of Land and Natural Resources to the university.

Board chair Laura Thielen added that although “we need a plan to guide the mountaintop and someone who is going to take responsibility for implementation,” the draft plan was unclear on who would do this. The plan does include a “responsibility matrix” that lists the various entities – the university, the state burial council, the county of Hawai'i, and the DLNR – responsible for the wide range of activities on Mauna Kea. While it appeared that the OMKM would oversee day-to-day management, Thielen said she wasn't sure who would be responsible for things like decommissioning telescopes.

While Chang suggested that a new entity, similar to the state's Kaho'olawe Island Reserve Commission, could be created to join the various jurisdictions, she said that, ultimately, that is a policy question going beyond the scope of the plan. “That’s a very complicated question for us,” she said.

Thielen said she was still confused about who would be responsible for making many of the decisions required by the plan. “I’m not here today to tell you what those answers should be,” she said, adding that because the state is facing several years of fiscal decline, she did not expect any new entities to be established in the near term.

“Your point is well taken,” Chang said.

The Land Board is expected to take up the Mauna Kea matter at its first April meeting, tentatively scheduled to be held on Hawai'i island.



UH Gets CDUP A Decade Late

It's probably good this didn't come up when the Mauna Kea people were in the room. There seems to be a pattern with the university and land use,” Land Board member Tim Johns told George Atta, a Group 70 consultant representing the University of Hawai'i.

Nearly a decade after the Land Board found the University of Hawai'i's Institute of Marine Biology had violated its Conservation District Use Permit for Moku o Lo'e (Coconut Island) by adding a slew of new structures without permission, the university is finally getting around to obtaining an after-the-fact Conservation District Use Permit.

At the Land Board's February 13 meeting, the DLNR's Office of Conservation and Coastal Lands recommended approval of an after-the-fact CDUP for various unauthorized structures. Atta explained that problems obtaining Special Management Area permit approvals from the City and County of Honolulu, and shoreline certifications from the state contributed to the long delay.

Grant Arnold of the Office of Hawaiian Affairs testified that access issues were still “quite messy,” noting that while HIMB says it provides public access at the island's Maili Point, “there's a big KAPU sign ... where the public is supposed to access.”

When Johns asked OCCL's Dawn Hegger whether there were any current violations, since HIMB could not receive a permit if there were, Hegger answered, “I would say in general they're in compliance with past CDUAs [Conservation District Use Applications].” She added that a condition in the proposed after-the-fact CDUP requiring HIMB to provide lists of its past and planned projects will help bring the institute into compliance.

The board approved OCCL's recommendation with a few minor amendments.



Honouliuli Preserve Wins Extra Legacy Land Funds

You've heard the saying, “Take the money and run,” Maui Land Board member Jerry Edlao told Molly Schmidt of the DLNR's Division of Forestry and Wildlife. At its February meeting, the Land Board was faced with a choice: either wait until the city's new land conservation program decides on a request by the Trust for Public Land for funds to purchase 3,582 acres at Honouliuli, or grant about \$450,000 of additional state Legacy Land funds toward the purchase now.

The DOFAW had initially recommended that the board wait, although Schmidt said either choice was fine with her. The TPL's Lea Hong, however, urged the board to act now since she had been very discouraged by the county process, which required two years to publish its first applications for grants.

“I don't think you want \$400,000 hanging out there. We need the money,” Hong said.

The TPL is assisting the state in purchasing

the Honouliuli Preserve, formerly managed by The Nature Conservancy of Hawai'i, from the James Campbell Company. On February 13, DOFAW recommended that the Land Board approve eight Legacy Land acquisitions totaling \$4.7 million. In order of priority, they include the following:

- ◆ \$537,500 for the Honouliuli preserve, which will be cooperatively managed by the DLNR and the U.S. Army;

- ◆ \$450,000 for the state's acquisition of 65.56 acres adjacent to the Hamakua Marsh in Kailua, O'ahu, from Kane'ohe Ranch;

- ◆ \$7,000 for the state's acquisition of seven acres in North Kohala from Chalon International of Hawai'i, Inc., to protect scenic, cultural and historic values;

- ◆ \$750,000 to the Kaua'i Public Land Trust to buy three-quarters of an acre near Black Pot beach park in Hanalei to protect recreational and open space;

- ◆ \$201,787 to the Center for Non-Violent Education and Action (Malu 'Aina) for 11.14 acres in Puna, Hawai'i;

- ◆ \$1,250,000 for the state's acquisition of 17.05 acres in Lapakahi, Hawai'i,

- ◆ \$448,831 for the Kona Historical Society's purchase of 2.11 acres in Kona Mauka; and

- ◆ \$609,425 for the Maui Coastal Land Trust's acquisition of an agricultural conservation easement over 27.44 acres in Pupukeya, O'ahu, to be held by the North Shore Community Land Trust.

The DOFAW report notes that the Legacy Land Conservation Commission, which provides recommendations to the Land Board, had recommended that any additional funds under \$470,000 be provided to the applicants in order ranked, which would result in an increase in the award for the Honouliuli project from \$537,500 to \$982,956.

Given the state's current financial situation and the likelihood that Legacy Land funds could be raided this legislative session, the board unanimously voted to approve all of the projects, including the additional \$450,000 for the Honouliuli Preserve.



Haseko Rescinds Plan To Shrink Marina

There was a method to Mike Lee's madness – but it may have backfired. On February 13, Lee told the Land Board that his December 2008 request for a contested case hearing regarding Haseko Inc.'s proposal to reduce the size of its planned 'Ewa Marina was driven less by his worries over creating anoxic conditions in the marine environ-

Kuilima from page 1

entire 860-acre project, which would stretch from Kuilima to Kawela Bay, would be jeopardized. "More importantly, what message would that send to the world on vested rights?" he asked the commission at its meeting last month.

During the LUC's February meeting in Honolulu, attorneys for the coalition, the developer and the state Office of Planning (OP) reiterated many of the arguments made last year about the case, as did more than two dozen members of the public – opponents identifiable by their green shirts, with supporters, mostly resort employees, outfitted in white. While the LUC took no action on the matter, it became clear during discussion that a few of the commissioners are considering following the OP's recommendation to add performance deadlines to the 1986 LUC Decision and Order.

A Progress Report

The first deferral on the coalition's motion came last July and was made, commissioners said, so that they could discuss legal issues with the deputy attorney general assigned to the commission. At the same time, though, it ordered KRC to provide a status report on the project. KRC submitted reports in August, November and February on efforts over the years to comply with the nine conditions in the D&O. Those conditions are: 1) build hotels on adjacent property already in the Urban District; 2) construct employee housing; 3) improve Kamehameha Highway; 4) develop water sources and infrastructure; 5) help improve the adjacent Punaho'olapa Marsh wildlife preserve; 6) protect archeological sites; 7) provide public access and parking and a city park; 8) build a sewage treatment plant; and 9) implement a moni-

ment, and more by his wish to have his "day in court," where he hoped to resolve what he sees as serious mismanagement of important archaeological resources, including the unearthed bones of an ali'i.

At the board's meeting, the DLNR's Office of Conservation and Coastal Lands recommended, at Haseko's request, rescinding an amendment to Haseko's Conservation District Use Permit regarding the size of the marina.

"As Mr. Lee's petition appears to contest the amendment regarding the reduction of the size of the marina, if the Board rescinds the granted amendment...the issues raised in Mr. Lee's petition would be moot," OCCL's report to the Land Board states. The report

toring program for coastal resources.

The reports revealed the obvious – that no hotels or employee housing have been built – but included a long list of other improvements and efforts that KRC says has cost many millions of dollars: a wastewater treatment plant, a well facility, a sewer force main, a water line, the 18-hole Palmer Golf Course and associated maintenance facility, consolidation and resubdivision approvals, employee training efforts, expansion of the Fazio Golf Course, \$100 million in improvements to the existing Turtle Bay Hotel and Ocean Villas, acceptance by the city Department of Planning and Permitting of a landscape master plan, and marsh improvements, among other things.

A summary attached to the November report notes that the 113-acre Palmer golf course and the 2.7-acre portion of Punaho'olapa Marsh that lies within the reclassified area make up about 49 percent of the 236-acre property.

The most recent report, which Carr submitted February 5, details KRC's ongoing efforts. Although KRC received tentative subdivision approval from the Department of Planning and Permitting in September 2006, the company has not yet been able to obtain final approval from the state Department of Transportation of its Traffic Impact Analysis Report (TIAR), needed for final subdivision approval.

"This is the only remaining outstanding item for final subdivision approval as far as Petitioner is aware," Carr wrote. He added that he planned to send a revised TIAR to the DOT before February 13 and expected it would be approved in three months.

Once the subdivision goes through, development of the hotel and condominium sites will become feasible "as they can be considered individually for purposes of financing and development investment. Individual parcel

adds that mitigation for archaeological, cultural, and historical features was addressed in the CDUP.

Lee admitted that by rescinding its request to shrink the marina, "They [Haseko] took the air out of my balloon." Still, he said that his concerns about cultural resources remained because while the DLNR had concluded in 1993 that there were no significant burials in the area, "an ali'i was dug up (in 2001) and there has been no effort to reconcile this." Lee said that he wanted the ali'i to be buried with its accoutrements somewhere nearby under concrete with a plaque.

In the end, the board unanimously approved the OCCL's recommendation.

— T.D.

development will be by way of direct development, joint development with development partners, or for-sale development parcels," Carr wrote.

Carr added that he expects that \$5 million in improvements to Kuilima Drive, the resort's main access road, will be completed in September and that groundbreaking on a park at Kawela Bay will begin by the end of the year.

Legal Arguments

When Kuilima Development Company was making its case for redistricting before the LUC in the mid-1980s, it made several statements regarding projected construction deadlines. According to the LUC's Findings of Fact, KRC stated that 1,000 condominiums were going to be completed by 1991, 315 of which were going to be substantially complete within five years of the redistricting, and the entire project would be completed by the end of 1996.

Last year, the coalition pointed out in its filings that the LUC's administrative rules in effect when the Decision and Order was issued required substantial progress to be made on the expansion within "a period specified by the Commission not to exceed five years." At the LUC's February meeting, the coalition's attorney, Gregory Kugle, added that the LUC's current rules state that whenever the commission has a reason to believe there has been a failure to perform according to conditions or in conformance with "the representations or commitments made by the petitioner," the LUC must issue an order to show cause why the land should not revert to its original classification.

Kugle said that KRC can still only estimate when its project will be completed. "What are we talking about – ten or twenty years?" he asked, adding that the resort and its attorneys "gloss over" nearly 15 years (from about 1991 to about 2005) where nothing was done to advance the project.

In response, KRC attorney Sharon Lovejoy restated previous arguments that the Decision and Order contains no clear conditions regarding when the expansion or its components were to be completed and that all of the representations made by the developer were couched in terms like "we anticipate" or "we intend" or "we propose."

"The only way you can go forward with an order to show cause is if you find there was a violation," she said.

She also argued that very important parts of the project have advanced, although they may not be visible, and that of the entire project area, only one third of it, 286 acres, is to be developed with buildings. Because the last discretionary permit for the expansion has

already been issued, "our position is that the rights are vested," Lovejoy said.

As he stated in briefs filed last year, deputy Attorney General Bryan Yee, representing the Office of Planning, said the D&O lacked binding timeframes. The OP, he said, takes the position that the order was flawed in that it failed to establish a deadline and give fair warning to the developer.

"The Office of Planning believes the LUC cannot revert the property, so an order to show cause hearing is not required," he said.

To this, Kugle, the coalition attorney, responded: "Since when is it not fair warning to hold someone to their word? The commission made a decision based on representations... Everybody seems to be ignoring the rule that applies today... They've [KRC and the OP] both lost sight of that. You can hold them to their representations."

Yee answered that despite current standards for an order to show cause, provisions regarding representations did not exist at the time the Decision and Order was issued.

"We have to acknowledge that the decision back then should have had a deadline and that's the flaw. We could correct the flaw, but we have to acknowledge the flaw," Yee said.

Moving Forward

Given KRC's current efforts to comply with the D&O, LUC vice-chair Ransom Piltz said, "to revert this back to zero doesn't make much sense." However, he asked Carr, if the commission decided to go along with the Office of Planning's suggestion and correct the order, what kind of time period for affordable housing would be reasonable.

LUC chair Duane Kanuha and commissioner Normand Lezy also pressed Carr about timelines for the expansion.

"We do need to have concrete timelines. Not date-specific, but an amount of time to comply with the Decision and Order," Lezy said.

At first, Carr said only that he was working diligently on a "daily and weekly basis" to meet the conditions of the Decision and Order. He also said that when there is pending litigation, as there is in this case, it casts a cloud over his ability to move forward.

Carr then referred to a timeline included in a July 24, 2008 Turtle Bay Resort Master Plan Revised Traffic Impact Analysis Report Update for the state Department of Transportation. At the earliest, the first hotel, the one to be located east of the existing Ocean Villas along Kuilima Bay, would open in 2011, and the last one, one of two along Kawela Bay, would open in 2015. Construction on the first resort condo-

minium parcel would be completed in 2013 and the last would be done in 2018, the report states. (All of the condominium parcels are located on the 236 acres that are the subject of the coalition's request.)

In a February 5 letter to the LUC, Carr notes that this development schedule includes "anticipated earliest possible completion dates, but those dates are merely estimates based on guesses as to time frames and assumptions regarding governmental approvals, economic conditions, demand of the project, and impacts of challenges to the project."

When Lezy asked how long it would take to complete the affordable housing component of the project, Carr said it would take at least ten years "if it was my property," adding that he did not want to commit to a time frame on behalf of the owners of the property. Carr agreed with Lezy that it would take more than ten years to fully comply with the Decision and Order and said the rate of completion would depend on several things, including "where the world is."

When it came time to vote, chair Kanuha said, "I think there are several issues of concern. One, whether modification through the order to show cause is an option, and two, we are also inclined to consult with counsel a little more on issues of standing," referring to an argument Lovejoy made that the community groups do not have standing to be a party to the case.

Kanuha suggested that the commission defer action "pending consultation on legal issues," and the commission unanimously agreed.

Meanwhile, at the Capitol

After nearly all members of the public had left the room, OP director Abbey Mayer asked the commission for permission to testify before the state Legislature in favor House Bill 1055.

The bill, introduced at the request of the Lingle administration, seeks to put an end to cases, like Kuilima, where lands reclassified by the LUC sit undeveloped for many years.

"In some cases," the bill states, "conditions have changed so significantly that the development proposal as originally conceived may warrant review and reconsideration. Premature urban or rural reclassification may encourage speculative land banking and creates uncertainty in the build out of planned urban or rural infrastructure."

The bill would add a new section to Chapter 205 of Hawai'i Revised Statutes that would require land reclassified to accommodate a proposed development to automatically revert

to its original classification "absent substantial commencement of use of the land within ten years." The LUC would be tasked with defining what constitutes "substantial commencement" in each case.

The bill adds that the LUC would be able to grant one extension of up to five years and that the reversion condition would not apply to petitions initiated by the state or a county for a regional boundary amendment based on a regional boundary review or petitions accepted by the commission before the bill is signed by the governor.

(For more on the Kuilima development, see the June 2006 and September 2008 issues of Environment Hawai'i, which are available on our website, www.environment-hawaii.org.)



Hawaiian Memorial Park

At its February meeting, the LUC granted a group of Kane'ohe residents permission to intervene in a petition by Hawaiian Memorial Life Plans Ltd. to reclassify 56.6 acres in the Conservation District to the Urban District. Hawaiian Memorial plans to use the land to expand its cemetery and to develop a 20-lot residential subdivision on the hilltop north of Kapa'a Quarry.

The LUC accepted the company's final environmental impact statement on January 14 and two weeks later, Grant Yoshimori, Richard and Julianne McCreedy, Lianne Ching, Mavis Suda, Ernest and Bettye Harris, Jessie Reavis, and a group called Hui O Pikoiloa filed a petition to intervene.

At the February meeting, Yoshimori testified on behalf of his fellow petitioners that their concerns involved the project's potential impacts on native gathering, access, flooding, rock slides, natural resources, traffic, the loss of Conservation District land, viewplanes, microclimates, criminal activity, historic sites and property values.

Attorney William Yuen, representing Hawaiian Memorial, opposed the group's petition, while the city Department of Planning and Permitting and the state Office of Planning did not.

Because the petition to intervene included so many people and because Hui O Pikoiloa is not an incorporated group, the commission decided to allow only the individuals to intervene on the condition that Yoshimori must speak on their behalf on all matters before the LUC. The LUC is expected to hold a hearing on the boundary amendment petition early this month.

— ***Teresa Dawson***

Bridge 'Aina Le'a Gets Drubbing From the Land Use Commission

To some extent, we've been had," said the chairman of the state Land Use Commission, commenting on the painfully slow progress by landowners to move forward with a development proposed in the area of Puako, on the Kohala Coast of the Big Island.

The development, he noted, had been approved in record time because LUC members had been led to believe that the developer had the financial backing to pay for the project. But "to date, nothing has happened. The developer needs to show some good faith."

Those comments were made in 1995 by then LUC chairman Allen Hoe, expressing his frustration with Nansay Hawai'i, which had proposed the development of some 2,000

Judge, of Maui, originally made the show-cause motion in September, and she stood by it. "Unfortunately, here we are today and no affordable homes are on that development. Not even a glimmer of them coming anytime soon. No building permits, no infrastructure...."

"I look back at that decision and order granted January 1989, and amended decision granted July 1991, when the project was sold to Nansay. Many many promises were made to the community, to West Hawai'i, to the Big Island. In those documents, the petitioner agreed to a 60-percent affordable housing condition. In 2005, the Land Use Commission granted relief, to provide only 20 percent, since they said they were going to do

"Twenty years have gone by and nothing's happened... This commission needs to know if, how, and when the promises will be kept." — Lisa Judge, LUC member

housing units on 3,000 acres of land mauka of the Mauna Lani resort.

More than 13 years later, LUC members appear to be even more exasperated than Hoe was with Bridge 'Aina Le'a, the developer that has succeeded Nansay. Despite their approval in 2005 of a time extension (to 2010) for completion of 384 "affordable" housing units, commissioners had been growing skeptical that the development was on track – or even had been launched. Last fall, the commission voted to ask Bridge 'Aina Le'a to show cause why the LUC should not order the 1,060 acres in the Urban land use district, where the core of the development is planned, to revert to Agricultural, its status before the LUC gave its blessing to the concept of a resort and golf-community back in 1987.

But when the commission held a hearing on the show-cause order in January, the developer sought instead to change the terms of the development agreement. When Bridge attorney Eric Maehara was asked to present his case, he focused the commission's attention on Bridge's request to be relieved of the need to build all affordable housing units on the project site.

As an alternative, Maehara proposed that the affordable housing provision be amended to require no more than 100 units on site, to be completed by the end of 2012, and to fulfill any other affordable housing requirement that Hawai'i County might impose.

Commissioners were not happy. Lisa

it right then. Twenty years have gone by and nothing's happened... This commission needs to know if, how, and when the promises will be kept."

Changing Conditions

That's not what Bridge representatives were prepared to give. Instead, the CEO of Bridge 'Aina Le'a, Hoolae Paoa, told the commissioners about the alternative arrangements that Bridge was now pursuing. "We intend to solve the affordable housing requirements, and have been in discussions with the County of Maui to build transitional housing in Kaloko," he testified under direct examination by Maehara. (After Paoa's second reference to Maui, he was corrected by a deputy attorney general.)

The previous administration of Mayor Harry Kim had rejected a letter of intent that Bridge had proposed, Paoa said. But, he added, "the new administration has renewed negotiations. As of today, we're substantially complete on an agreement that will deliver this year 24 transitional housing [units]... and also allows us to develop 72 units on that site. This will require an amendment to the housing condition."

"Transitional housing is so important," Paoa continued. "We are prepared to spend money now to do the transitional housing. We also recognize the need for rental units. And that will require an amendment to the conditions" of the LUC Decision and Order.

As recently as November, the county administration, under then Mayor Harry Kim, had been at loggerheads with Bridge. First, Bridge had proposed reconfiguring the development by submitting a project district application to the county. When notified that this would require preparation of an environmental impact statement, Bridge submitted a non-significant zoning change application that would allow all 384 affordable housing units to be shifted to one location. Bridge argued that the relocated units would allow for construction efficiencies and would enable the company to meet the LUC deadline for affordable housing, but Planning Director Chris Yuen denied the application, noting that the proposed site was in a floodway. In November, the county Planning Board of Appeals upheld Yuen's decision. (For details, see the December edition of *Environment Hawai'i*.)

Yet even as Bridge was appealing Yuen's decision, its attorneys had approached attorneys for the county in an effort to work out a separate deal. On November 13, Maehara wrote LUC chairman Duane Kanuha, asking that the hearing on the show-cause order be delayed a month, from December to January. Bridge "has been in negotiations with the County of Hawai'i with regard to ... participation in a county sponsored transitional and affordable rental housing project at Kaloko, Hawai'i... [A]s you are no doubt aware, a new county administration will be inaugurated on December 1, 2008." Postponing the hearing, Maehara continued, would "give the new county of Hawai'i administration a reasonable opportunity to review this matter and respond to the proposals of the Petitioner with regard to the Kaloko housing project."

Within days of the swearing-in of Mayor Billy Kenoi, Bridge and the county had apparently struck a tentative deal. Bridge, Maehara said, "has an agreement in principle with the County of Hawai'i to irrevocably deposit \$6 million into an account from which it will periodically draw down payments for the development of the transitional housing."

Paoa said Bridge would build 24 transitional units and 72 rentals near Kaloko, but Julie Mecklenburg, deputy corporation counsel for the county's Office of Housing and Community Development, indicated that no deal for 72 rentals was in the works.

"We received a proposal from Bridge 'Aina Le'a on December 17," she said in testimony to the LUC. A draft memorandum of understanding was agreed upon on December 26, but it "is still under negotiation," she added.

"We have agreed in principle on the construction of 24 transitional units," she said, but as to the 72 affordable rental units, there has been "no real commitment made in that re-

Affordable Housing Agreement Could Give Bridge Two Credits for Each Unit Built

A draft agreement between the Hawai'i County Office of Housing and Community Development and Bridge 'Aina Le'a calls for Bridge to receive up to two credits for each unit of affordable housing it builds. Under the county Affordable Housing Code, such a doubling is allowed for housing units addressing needs of people with incomes of no more than 60 percent of the county median.

If the agreement is signed – a big “if,” since it depends on the Land Use Commission effectively giving the county the ability to determine when any affordable housing requirement imposed on Bridge is satisfied – it could mean that a project that once called for 60 percent of all housing units built to be in the “affordable” range, and which in 2005 was allowed to build just 384 “affordable” units, could now be required to produce no more than 192.

The draft, bearing a date of January 13, provides that Bridge will put \$6 million into an escrow account that, with the county's approval, Bridge will then draw down to cover its expenses in designing, engineering and building 24 transitional housing units and the infrastructure needed for the entire county Kaloko affordable housing project. (The environmental assessment prepared for the project, to be built on 8 acres of county-owned land above the Costco in

Kona, says the project consists of the 24 “transitional” units as well as 72 affordable rental units, a food bank warehouse, and a community center. Full build-out costs are estimated in the EA at \$12 million. The final EA and a finding of no significant impact were issued by the county last month.)

Construction of the 24 units is to be “substantially completed” within 13 months of plans being approved. If costs exceed \$6 million, Bridge is still obligated to finish the transitional housing units. If costs are under that amount, the county is to “disburse any remaining funds in the escrow account, plus accrued interest, to Bridge.”

If Bridge doesn't meet milestones for starting and completing the project, the county can use whatever remains in the escrow account to finish the work.

Whenever the work is finished, “whether by Bridge or the county,” the county will credit Bridge with two affordable housing credits for each unit built. (If the \$6 million falls short and the county has to finish the work, however, the number of affordable housing credits received by Bridge is to be reduced proportionately.)

The draft also states that, “subject to further agreement with the county,” the county could give Bridge authority to develop 72 “affordable rental housing units” at the Kaloko site, for which Bridge would again receive up to two credits for each unit

built. However, according to Sidney Fuke, a planning consultant for Bridge, that element of the agreement is now off the table.

Finally, the agreement states that “within the time constraints set forth in the LUC [Decision and Order], as it may be amended from time to time, Bridge shall further develop up to one hundred (100) workforce housing units within the 'Aina Le'a development ... for a maximum of two (2) credits per unit, for a maximum total of two hundred (200) housing credits.”

The environmental assessment for the project states that the county has already floated a bond for it. According to a staffer with the county Office of Housing, the bond, for \$7.5 million, covers only part of the project. If private funds were obtained, then possibly the bond money could be reallocated to other projects, although this would require “some logistical things” be done, he said.

Originally, Catholic Charities, which operates the county's transitional housing project at Kawaihae, had proposed to develop and manage the Kaloko project as well. “It was en route to becoming the developer,” said the housing office staffer, but then Bridge made its proposal. Catholic Charities' proposal is still on the table, he said: “Now we have two potential developers.”

According to Fuke, Catholic Charities will probably end up developing the 72 affordable units at Kaloko. Bridge, he said, could end up building affordable units elsewhere for the county. —P.T.

spect.” The Kaloko project “only has water commitments for 32 affordable rental units, so the other 40 cannot be constructed there.” For the additional affordable housing credits they'll have to earn for this project, “they'd have to come up with another proposal for us under a different agreement,” Mecklenburg said.

Altered Plans

Deputy Attorney General Bryan Yee, representing the state Office of Planning, asked whether Bridge would be managing the affordable units – “haven't decided,” Paoa replied – or would be receiving rents – “It could be that, but we haven't formulated a plan,” Paoa said.

How many affordable units would then be built at the Bridge 'Aina Le'a site, Yee asked. “It depends on what we can work out, offsite,

work out with the county, and also with the approval of the LUC... We're going to build more than 385 units. There will be room for more.”

Yee: “So you don't know the number of affordable units to be built, but it will be equal to 385?”

Paoa: “Possibly more.”

Under further questioning, Paoa told Yee that the Memorandum of Understanding with the county “has nothing to do with 'Aina Le'a... The MOU is for Kaloko.” Bridge and the county were close to an agreement on how much affordable-housing contribution Bridge would have to put up as a result of construction at the Puako property, Paoa said, although he could not say how many units would be required.

Yee then asked about financing, noting that in 2007, Paoa had said that Bridge 'Aina

Le'a was looking to partner with another joint venture.

Paoa replied that he had an agreement “that brings in an affordable housing developer who would demonstrate his financial capabilities. We don't have a final deal, but we're close.”

Yee inquired as to the relationship between Bridge 'Aina Le'a and Bridge Capital, which Paoa identified in 2007 as the company providing capital for the project.

“It's a sister company,” Paoa said.

“You share a parent company?”

“Under terms of the joint venture, it would,” Paoa replied. “So Bridge 'Aina Le'a can draw down on the financial resources of Bridge Capital, the parent company.”

“Let me try this one more time,” Yee said. “Bridge Capital is the parent company of Bridge 'Aina Le'a?”

"For financial reporting purposes," Paoa said, "but it is a separate company. All Bridge 'Aina Le'a has right now is debt. It has to draw down on something that has financial – Bridge Capital has cash to fund Bridge 'Aina Le'a... They've agreed to give money, but with conditions. But they are committed to spend money to build the [affordable] units. It will be Bridge Capital that will put \$6 million in escrow... I'm also an officer of Bridge Capital."

Yee pressed Paoa on changes that Bridge 'Aina Le'a had made to its proposed development that had not been conveyed to the Land Use Commission or the Office of Planning. Originally, the plan called for all affordable units to be built in the petition area, along with the market-rate housing, Yee noted.

Paoa agreed: "I wasn't here or involved, but I suspect that makes sense."

Yee: "In 2007, you decided you needed to build the affordable housing units in one particular area... What did you tell the LUC? In 2007, did you tell the LUC that the [county] project district application was needed?"

No, Paoa replied.

Yee inquired about plans for construction of the market-rate housing.

"We have no plans for market housing," Paoa said. "There's not a market that's available right now. I don't have any plans to develop market housing...."

Other commissioners pressed Paoa on other changes in the plan.

Commissioner Judge noted that the Decision and Order approving the project had 50 conditions, all of which were to have been met by 2002. "Bridge 'Aina Le'a has missed all the deadlines set out in those documents – for affordable housing, drainage, water sources, sewage treatment plants, transportation. All that was supposed to be done by 2002. Yet you say you're not here to ask for an extension, but all these deadlines are passed. So I'm a bit confused... and I just heard you say you've eliminated one of the golf courses?"

Paoa acknowledged that one of two planned golf courses had been cut from the current development proposal.

"As these things change, they need to be changed with us as well," Judge told Paoa. "This whole project has morphed into something you can't even tell us what it is now."

Maehara attempted to mollify the commission, acknowledging that the show-cause order "is probably the most severe remedy the commission has.... We realize the seriousness of this situation... I think it behooves the petitioner to set forth in detail exactly what is being proposed today for this project and also to express in detail to



PHOTO: HAWAII COUNTY DEPARTMENT OF PUBLIC WORKS

The view to the west from the mauka portion of land proposed for development by Bridge 'Aina Le'a.

this commission exactly how we propose to meet the affordable housing condition."

But whether that would be sufficient remained an open question at the end of the meeting.

Commissioner Thomas Contrades of Kaua'i was visibly angry. "This meeting is not to discuss whether or not they can have credits for transitional housing. It's not to discuss whether they're going to build affordable housing. It's to show me why at this very second I should not make a motion to revert this land back to Ag, take away what we gave them. I'm totally insulted by what has gone on so far, by the fact that they haven't even bothered to tell me why I shouldn't do that... You say you've done stuff that I've never seen as a commissioner. Everybody else needs to show me a piece of paper that shows they have the money. Now we hear they own a bank. How much money? Where? They have partners. They have an international group. I have never seen any of that.

"My favorite word: obfuscation – making everything cloudy so you cannot see. I want

to see. That is my job, my duty, that's what I swore to do when I became a commissioner... This is crazy, this is nonsense, this is insulting... Don't think I'm not upset about this."

As the meeting drew to a close, commissioner Reuben Wong asked the commission's deputy attorney general, Russell Suzuki, whether the LUC could order the land to revert to its original classification "unless the petitioner finds a substitute petitioner for this project." Wong noted that the commission had heard "how great this project is for the community. We can use a world-class golf course. We can even have great jobs for people. But nothing's happened... Not that the project is bad, it's that the one who's running this project is coming to this commission with empty promises. I'd like the attorney general to advise us if we can order the reversion unless the petitioner finds a substitute petitioner, so we can have things done to help this community."

The matter of the show-cause order was continued and is scheduled to be taken up by the LUC at a meeting tentatively set for April.

— *Patricia Tummons*

Residential 'Villages' Are Proposed For Area near Kona Airport, NELHA

Is the third time the charm? The owners of a slice of coastal land in West Hawai'i, the subject of a pending petition before the state Land Use Commission, are hoping so. In January, the final environmental impact statement for their project was accepted by the LUC and now the long hearing on the merits of their land reclassification request can proceed.

The petitioner, O'oma Beachside Village LLC, is asking the commission to place about 181 acres of land now in the Conservation District into the Urban District.

That redesignation will clear the way for the owners to proceed with the county approvals needed for their proposed development of between 900 and 1,200 housing units, two commercial village areas, and parks, preserves and buffers. The entire development is proposed to be built not only on the 181 acres proposed for redesignation, but also on the adjoining 83-acre mauka lot that was placed into the Urban District in 1986. Some 38 acres of the makai parcel are not included in the petition for reclassification. This area, which stretches from the coast

inland about 1,100 feet, is proposed to remain in open space as a “coastal preserve.”

The developers argue that the project is compatible with the neighboring land uses, which include the Natural Energy Laboratory of Hawai'i to the north and the residential development of around 500 houses that has been approved for the Kohanaiki area to the south. But many issues remain to be resolved, including concerns over noise impacts (much of the area lies under the flight path of planes approaching and departing the Kona airport to the north), effects on groundwater flows to the anchialine ponds of the Kaloko-Honokohau National Historical Park half a mile south, increased traffic, and coastal runoff.

A Long History

The first proposal to develop the O'oma land was floated in the mid-1980s by the Kahala Capital Corp. At that time, the property didn't quite extend to Queen Ka'ahumanu Highway and stretched further north along the shore. In 1986, Kahala Capital sought LUC redistricting to build a resort, including a hotel, golf course, an ocean science center, and office park. Late that year, the project's configuration changed when the state traded 83 acres of mauka land fronting the highway for the northernmost 83 acres of land controlled by Kahala Capital (now a part of state land leased to NELHA). To sweeten the trade, the mauka acreage was upzoned to the Urban District, where Kahala Capital planned a golf course, office complex, some housing, and other amenities.

Still, in June 1987, the LUC voted down the project. Among other things, it was concerned that development of the area could throw a wrench into future expansion of the Keahole airport.

In 1991, Kahala Capital came back for a second bite at the apple. The proposal now included a “first class” (as opposed to luxury) hotel of 550 rooms, an 18-hole golf course with clubhouse and an “inn” of 50 to 60 rooms, 130 to 230 condos and 70 to 100 residential lots, a retail center, a “Marine Exploratorium,” a water recreation park, and a conference center, among other things.

This time, the project faltered over uncertainties about the developer's ability to deliver as promised. The chairman and sole stockholder of Kahala Capital was Norbert A. Schlei, who, during the Kennedy and Johnson administrations, served in the Justice Department as an assistant attorney general. His tenure there was distinguished

by his advocacy for civil rights. Among other things, he helped draft the Civil Rights Act of 1964, the Economic Opportunity Act of 1964, and the Voting Rights Act of 1965.

By the mid-1980s, Schlei had become involved in efforts to sell bonds that, according to one theory, were secretly issued in the 1950s by the Japanese government, which, for various and nefarious reasons, was now refusing to redeem them and calling them counterfeit. In 1992, Schlei was indicted by a federal grand jury in Tampa on charges that included conspiracy to sell counterfeit foreign securities, mail fraud, wire fraud, and bank fraud. Schlei turned over management of Kahala Capital to Robert Van Dorpe, and also signed an agreement that relieved Van Dorpe of responsibility for any representations that

The project was approved by the Hawai'i County Council, but Mayor Harry Kim vetoed the rezoning ordinance.

Schlei may have made to the LUC.

(Schlei was convicted, but most of the felony convictions were later vacated by an appeals court. He died in 2003 in Santa Monica.)

In the LUC's decision on the O'oma petition in 1993, doubts were expressed about Schlei's financial ability to carry through on the project, whose cost was estimated as \$300 million in 1991 dollars. The petitioner, the LUC found “did not provide specific and definitive information of the manner in which petitioner proposed to finance the development.” The LUC was also skeptical about Van Dorpe's ability to manage and direct the development. “Mr. Van Dorpe's testimony about his education and prior work background indicated that he had no experience as a developer of a project of this scope or nature,” the Decision and Order states.

In 1997, Kahala Capital lost control of the property through foreclosure. In 2001, Clifto's Kona Coast, a Nevada partnership owned mostly by Cliff M. Morris, bought the land and applied to the county for upzoning of the 83-acre Urban parcel. Morris proposed to build 390 houses, a hotel with 250 rooms, and a shopping center on the lot.

The project was approved by the Hawai'i County Council, but Mayor Harry Kim vetoed the rezoning ordinance. In September 2004, the council upheld Kim's veto, on a 5-4 vote, to the cheers of some 250 people who had crowded the council's meeting room.

Back at the LUC

At the same time he was pushing for the rezoning, Morris was trying to sell the makai portion of the O'oma parcel. In 2005, state records show, he gave a mortgage to Arnold Volny, a retired California banker, and the partners in Clifto's Kona Coast changed. Morris remained a member, but he was now joined by Pete LLC (an entity representing Volny's interests), Moresco Properties LLC (representing the interests of architect Dennis Moresco and Midland Pacific Building Corp., Moresco's construction company), and two Waikoloa residents, Steve Johnson and Georgeann Johnson.

Within months of the additions, Clifto's Kona Coast changed its name to North Kona Village, LLC (changed again in 2008 to O'oma Beachside Village, LLC). By 2007, it had developed yet another proposal for

both the mauka and makai parcels – this time not involving a resort, but two communities, each with a commercial center, park, and a variety of housing types – single-family, condominium, and “mixed-use” (commercial space with owners living above). A draft environmental impact statement preparation notice was published that summer. In 2008, the draft statement was published. By the end of last year, the final EIS had been prepared and was accepted by the Land Use Commission in January.

But acceptance of an environmental impact statement is only the first step in the long process of winning redistricting from the LUC.

Now the applicant has to file a formal notice of its change of name to O'oma Beachside Villages and needs to submit an amended petition to reflect any changes to the project that may have occurred in the last two years. When the LUC deems that to be complete, the petitioner is notified and a 365-day window opens within which the LUC has to make a decision.

During that period, the LUC holds a contested case, in which, by law, the state Office of Planning and the affected county (Hawai'i County, in this case) are parties. Other parties with an interest in the outcome are given an opportunity to file their notice of intent to intervene in the contested case.

Already, says Dan Davidson, LUC executive officer, the National Park Service has notified the commission of its intention to intervene. — *Patricia Tummons*

R E V I E W

Food Self-Sufficiency in Hawai'i: Ever More Difficult, Ever More Urgent

PingSun Leung and Matthew Loke. "Economic Impacts of Increasing Hawai'i's Food Self-Sufficiency." Cooperative Extension Service, Economic Issues, Dec. 2008 (EI-16). Cooperative Extension Service, College of Tropical Agriculture and Human Resources, University of Hawai'i at Manoa.

David S. Battisti and Rosamond L. Naylor. "Historical Warnings of Future Food Insecurity with Unprecedented Seasonal Heat." *Science*, 9 January 2009 (Volume 323).

Food self-sufficiency: is it possible in Hawai'i?

Probably not, absent a return to the poi-and-fish diet of pre-contact Hawaiians (and the abandonment of the modern economic system as well). But, with a concerted effort by government, consumers, and producers, we could probably do a lot better than we're doing now, according to an article published recently by the College of Tropical Agriculture and Human Resources at the University of Hawai'i at Manoa.

In it, authors PingSun Leung of CTAHR and Matthew Loke of the Hawaii Department of Agriculture note that Hawai'i's dependence on imported food is discouragingly high. "While a definitive figure is yet to be derived, it is generally believed that most of the food we consume in Hawai'i is imported," they write. "In comparison, the food self-sufficiency level of the New England region is estimated as 28 percent in 1997." When looked at across the nation, imported foods account for just 7 percent (based on value) or 15 percent (based on volume) of all food consumed.

Furthermore, the recent trend has been for imports to account for an ever growing portion of Hawai'i foods. Other than beef and fresh vegetables, Leung and Loke write, "the rest of the foods all show a declining production trend during the ten-year period from 1995 to 2005. The production and consumption of beef in Hawai'i has remained stable at an average annual growth rate of 4.4 percent. Only production of fresh vegetables has outpaced its consumption by a large margin (5.8 percent versus 4.3 percent). In other words, during this ten-year period we have become more self-sufficient only in fresh vegetables." And the statistics probably overstate the en-

couraging trend in fresh vegetables or the stability of locally produced beef supply, they point out in a footnote: "A small amount of vegetables are actually destined for the export market (for example, Maui onions)... The value of beef production includes the value of calf export, which is quite substantial. Thus the actual self-sufficiency levels for these two food items are in fact less than as portrayed here."

Hawai'i was once self-sufficient. Before western contact, Hawai'i produced enough food to support the population, which was, by most estimates, not too far below current levels. And during World War II, to support the war effort and as a consequence of severely restricted imports, thousands of acres of plantation lands were converted into truck farms, supplying both soldiers and the local population with potatoes, tomatoes, beans, and other crops.

But today, Leung and Loke say, "even though Hawai'i can conceivably grow anything that we consume, the quest to achieve 100 percent food self-sufficiency is impractical, unattainable and perhaps impossible, as it imposes too high a cost for society."

"The reduction in transportation cost resulting from technological change in the shipping industry during the past decades and the liberalization of the global trade

have led to massive concentration of production of commodities, including food, in regions where economy of scale can be captured, resulting in more efficient and profitable production," they write.

Still, "consuming and producing more locally grown foods may decrease the 'food miles' involved in transporting foods and thus may conserve energy and reduce our carbon footprint." Also, by growing and consuming more local-grown crops, risks associated with imports – harmful invasive pests or diseases – are reduced.

If the current share of local produce were doubled, they calculate, about \$120 million worth of imports could be avoided. With that amount being pumped back into Hawai'i's economy, more than 3,000 additional jobs would be created, state tax collections would rise by \$8.7 million, and overall earnings of local farm-related businesses would increase some \$64 million. Even a more modest substitution of 10 percent of food imports by local products would inject \$3.1 billion into the state's economy and generate at least \$6 million in state tax revenues.

"One obvious question is whether the \$6 million tax revenues generated from a 10 percent food import replacement strategy would be sufficient to design and run a government program to support the expansion of local production," they write. "Value should also be assigned to other non-monetary benefits such as job creation, better environmental stewardship (e.g., keeping open space and the island landscape green and recharging the aquifer system), increased levels of food self-reliance, and land preservation...."

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A Climatic Curve Ball

But even supposing Hawai'i provides incentives to farmers to increase their production of food crops, would that be enough?

Assume, for the moment, that the demand for fuel is reduced. People drive less and communities have services and jobs located where workers can reach them by bicycle, on foot, or in public transportation. Wide-scale conversion to solar water heaters has substantially cut household electrical use. Competing demands for land to be used for fuel or food have been resolved, in favor of food.

A recent article in *Science* suggests that global warming may drastically reduce the potential for areas in the tropics and subtropics (an area that includes Hawai'i) to grow food crops.

In the article, "Historical Warnings of Future Food Insecurity with Unprecedented Seasonal Heat," authors David Battisti of the University of Washington and Rosamond Naylor of Stanford University discuss the impacts that rising temperatures will have on crops. The outlook is bleak.

"We calculated the difference between projected and historical seasonally averaged temperatures throughout the world," they write, basing their work on global climate models used by the Intergovernmental Panel on Climate Change. What they found was, "it is highly likely (greater than 90 percent chance) that growing season temperatures by the end of the 21st century will exceed even the most extreme seasonal temperatures recorded from 1900 to 2006 for most of the tropics and subtropics."

And as temperatures rise, crop yields fall:

"Experimental and crop-based models for major grains in these regions show direct yield losses in the range of 2.5 to 16 percent for every 1 degree Centigrade increase in seasonal temperature.... Large additional losses are expected from sea level rise and decreased soil moisture caused by higher average temperatures."

Any expectation that these losses will be more than made up for by gains in productivity at higher latitudes is unrealistic, they say. "Despite the general perception that agriculture in temperate latitudes will benefit from increased seasonal heat and supply food to deficit areas, even mid-latitude crops will likely suffer at very high temperatures in the absence of adaptation. Global climate change thus presents widespread risks of food insecurity."

By the end of the century, the authors write, "the summer average temperature will exceed the hottest summer on record throughout the tropics and subtropics. Because these regions are home to about half the world's population, the human consequences of global climate change could be enormous." Bear in mind that the heat affects people as well as crops. In 2003, a heat wave in western Europe is believed to have caused the deaths of 52,000 people, the

authors note, "one of the deadliest climate-related disasters in Western history." When temperatures soar, even if crops do not fail, the ability of workers to harvest them is going to be impaired.

My first inclination on reading Battisti and Naylor's report – or any report on climate forecasts, for that matter – is to look at the accompanying maps and figure out whether Hawai'i will be affected. Not surprisingly, Hawai'i shows up as a speck on the maps, and it is impossible to determine whether or not it is likely to experience the worst of the extreme temperatures predicted by the end of the century.

In another sense, though, it hardly matters. So long as Hawai'i is as dependent on imports as it is now, then what happens to food crops elsewhere will have a direct, even an amplified, effect on the islands' food supply.

The writing is on the wall. It is past time for Hawai'i to design and implement a program not just to keep agricultural lands in agriculture, but to spur increased cultivation of crops and livestock for local markets. If the foundation is laid now, Hawai'i will be much better able to roll with the nasty punches global warming is sure to bring.

— Patricia Tummons

HAWAII'S PRODUCTION OF SELECTED FOOD PRODUCTS, 1995 AND 2005

	1995 \$ million	2005 \$ million	Annual change (percentage)
Beef	14.64	22.55	4.4
Pork	6.67	4.55	-3.7
Eggs	13.52	8.98	-4.0
Fresh Milk	32.15	18.39	-5.4
Fresh Fruits (not including pineapple)	28.22	25.75	-0.9
Fresh vegetables	38.60	67.72	5.8
Total	133.80	147.93	1.0

Source: Statistics of Hawai'i Agriculture, State of Hawai'i Data Book, various issues.
Data are farm-gate values. Table taken from Leung and Loke.

