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LAND USE COMMISSION
STATE OF HAWAII

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BEFORE THE LAND USE COMMISSION OF THE STATE OF HAWAII

IN THE MATTER OF AMENDING CHANGING THE BOUNDARY DESIGNATION FROM AGRICULTURAL TO URBAN AT HOKUA PLACE IN KAPA'A ON KAUA'I	DOCKET NO. A11-791
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PETITION TO INTERVENE

NATURE AND EXTENT OF INTEREST AND RIGHT

I Liko Martin petition to intervene pursuant to HAR 15-15-52 (d):

All other persons may apply for leave to intervene, which shall be freely granted, provided that the Commission or its hearing officer's may deny an application where it appears that:

- (1) The position of the applicant for intervention is substantially the same as the position of a party already admitted to the proceeding; and
- (2) The admission of additional parties will render the proceeding inefficient and unmanageable.

I am an independent Hawaiian elder concerned about the environmental impact and potential illegalities that would arise in this case under the constitution of the United States of America and the Laws of Hawaii with respect to Hawaiian National Usage.

APPROVAL OF RECLASSIFICATION WOULD ADVERSELY AFFECT THE PEOPLE OF THE ISLAND OF KAUA'I AND HAWAIIAN LAND RIGHTS AND CULTURE

Approval of this development would put at risk environmental interests that would be directly and indirectly affected by the proposed reclassification of a 96 acre property currently designated for agricultural use near Anahola on Kaua'i. The landowner proposes to change use designation to urban to allow for a 769 unit housing development. 30% of the units are characterised as 'affordable'. The rest are at market price. The project is out of reach for local families, especially for Hawaiians.

The petition seeks to rezone agricultural land, removing this land from current and potential productivity. Our major concerns are:

- Kaua'i is 90% food dependent and cannot afford to allocate this agricultural land to urban land.
- The cumulative effect of already planned and approved residential housing and resort development is already putting a severe strain on existing, out-of-date infrastructure including facilities for waste water and sewage, and roads. Notably, the ability of the County of Kaua'i to provide water to meet the needs of the development is severely restricted and inadequate. These concerns are not addressed in the FEIS, which has not been updated to reflect and address the issues realistically.

Specifically, this is a high-density development in an area lacking sufficient infrastructure to protect natural resources and quality of life. In particular, there is:

- risk to nearshore resources from injection wells
- risk to drinking water resources due to groundwater resources beyond sustainable yield
- risk to wetlands from stormwater runoff that would be generated by the proposed project
- risk to movement and to children attending the adjacent school due to over 1000 additional cars using the narrow and steep road leading to the development.

NO OTHER MEANS TO PROTECT INTERESTS

There are no other mechanisms by which the people of Kaua'i, and in particular, the Hawaiian population, can cross-examine the developer and its witnesses to establish facts, present detailed expert testimony, or ensure that a decision is based on records established by the parties independently.

HAWAIIAN AND RESIDENT'S INTERESTS ARE NOT REPRESENTED BY OTHER PARTIES

The community on Kaua'i, including residents of all origins, is deeply concerned about environmental issues because the island is at the tipping point of development, particularly in the Kapa'a area, which is fundamental to commerce on the island, due to its central location as the main means of traversing the island.

OUR PARTICIPATION WILL HELP IN DEVELOPING A COMPLETE RECORD

By asking questions, presenting witnesses, pointing out inadequacies in mitigation measures, and framing the legal issues, we will help the Commission to make a more fully informed decision.

OUR PARTICIPATION WILL NOT UNREASONABLY BROADEN THE ISSUE

It will not render the proceeding inefficient or unmanageable. I will not attempt to delay the proceeding in any way.

MY INTERVENTION WOULD SERVE THE PUBLIC INTEREST

This intervention would allow issues of island-wide importance to be addressed in a formal manner. Many of the concerns that will be addressed transcend the boundaries of the petition action, yet they are intimately affected by the petition. The finite use of public water resources, the visual impacts of sweeping viewplanes, the maintenance of sufficient prime agricultural lands on Kaua'i, and the efficiency of vehicular transportation outside the petition area all significantly impact the interests of the citizens of the island.

CONCLUSION

Based on the foregoing, I respectfully request that the Commission grant leave to intervene.

Dated: November 27, 2020

Submitted on behalf of Liko Martin

A handwritten signature in blue ink that reads "Liko-o-Kalani Martin". The signature is written in a cursive style with a small circle under the letter 'o' in "Liko".