

From: [Hakoda, Riley K](#)
To: [Quinones, Natasha A](#)
Cc: [Orodenker, Daniel E](#); [Derrickson, Scott A](#)
Subject: Fwd: [EXTERNAL] Objection to IAL Designation and the City and County's Process
Date: Monday, May 24, 2021 5:41:32 AM

IAL

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From: Simon Phillip <simonphillip808@gmail.com>
Sent: Sunday, May 23, 2021 6:23:32 PM
To: Hakoda, Riley K <riley.k.hakoda@hawaii.gov>; DBEDT LUC <dbedt.luc.web@hawaii.gov>
Subject: [EXTERNAL] Objection to IAL Designation and the City and County's Process

Aloha Fellow constituents, Council Members, and Commission,

My name is Simon Phillip and I submit this testimony on behalf of the Phillip 'Ohana, an established Land Owner of a protected Kuleana land parcel involuntarily selected by the City and County of Honolulu (CCoH) to be proposed for the Important Agricultural Land (IAL) designation. As the agenda for the May 26-27, 2021 Land Use Commission (LUC) meeting is restricted to general issues regarding processes utilized by the County, the Phillip 'Ohana would like to table a few critical apprehensions of ours for clarification in order to better guide our understanding along with our fellow constituents. These concerns are vital to deciding the future course of actions taken by those involved with the IAL designation. Please be advised that the 'Ohana was not in attendance for the April 27-28, 2021 LUC meeting regarding IAL public concerns and therefore, is not aware of what issues were previously discussed.

Listed below are the aforementioned concerns:

1. There exists no distinct and clear interpretation of the limitations respective to the IAL regulations that discuss nuanced circumstances, furthermore a distinct and clear interpretation that has been comprehended by all involved small private Property Owners, verifying the CCoH's failure to educate its constituents on matters imperative to the future of their property and livelihoods.
2. It is the 'Ohana's understanding that although consultants were involved in the mapping procedure, small private property owners were not notified of this operation, thereby resulting in many contradictions to what may be defined as suitable IAL properties between property owners and these employed consultants.
3. Inconsistency in information prompts the 'Ohana to suspect incompetency within the

CCoH's Department of Planning and Permitting, and thereby rendering the IAL proposal as volatile/unreliable.

4.

After reviewing all testimonies provided on the Land Use Commission website as of 05/15/2021, Section: Pending Dockets - "City & County IAL", it has been concluded that involved small private property owners as an entity have expressed nearly unanimous opposition to this legislation and therefore prompting the 'Ohana to mirror the public opinion to preserve due process, a right constituted by the government to every party affected.

Concern 1:

It has been made apparent that many small private property owners are not fully aware of the vague regulations and their obscure implications that the IAL designations will impose through the many testimonies that have been submitted for review. Moreover, as this designation continues to go through the final phases of approval by the LUC, it is troubling to see that many local landowners are still asking questions such as "What does this proposal mean?" and "How does this affect people who decide to no longer farm?" (Testimony: Mcknight 'Ohana, 04/27/2021) or "If our land is currently ag[riculture] dedicated, how does it change?" (Testimony: Paul and Kathleen Shimizu, 04/26/21). These questions surrounding the basis of what IAL designations institute should motion the CCoH to review their plans as this is a testament to their failure to educate the involved citizens and public. By neglecting to provide an unambiguous description of what IAL designations entail, the CCoH's proclaimed righteous intentions fall flat to the eyes of the public.

Furthermore, it has been repeated overwhelmingly that notifications regarding a property being designated as IAL have not been adequate. Sam Nakamoto mentions in their written testimony that "two mailouts are insufficient" (04/26/21) to ensure that landowners are aware of their situations, more so when these letters contained "little to no information...[concerning] the issue at hand [IAL]" (04/26/21). The Phillip 'Ohana can also attest to only receiving two letters regarding virtual hearings in the month of April and May 2021, after having no previous warning of this proposal by the CCoH. Additionally, these two letters were sent by the Land Use Commission-Department of Business, Economic Development & Tourism and not by the CCoH, who in their O'AHU IMPORTANT AGRICULTURAL LAND MAPPING PROJECT (2018) proposal state in *figure 1-6:County Designation Process of Section 1.3.3* that the "County prepares map recommendations and report; notifies landowners." The CCoH did not send notifications that informed all landowners of their property being nominated as IAL, thereby disregarding the plans that they themselves have drafted. Frederick Redell, the Executive Director of the Hawaii Clean Power Alliance provides an exceptional testimony (04/28/2021) regarding the notifications being sent extremely late and concerns of limited public response that the 'Ohana wishes to reiterate. We also would like to firmly note that while the CCoH claims notifications were sent in December of 2016 and November of 2017, our records indicate that only two letters

from the LUC were received in April and May 2021, an occurrence that is held in truth by other small private property owners who have expressed similar experiences.

Concerns 2 and 3:

Not only has the CCoH refused to notify ALL small private property owners of their land being labeled IAL, but their process to mapping properties as IAL also remains neither accurate nor sufficiently informed. Many discrepancies can be reviewed from the presented testimonies on the LUC website, where Gerald Gordon & Ambika Ramamurthy express that they “want to bring to your attention that Appendix H incorrectly indicates our property area to be 1.89 acres, the correct area is 1.721 acres.” (04/28/2021). Ann Bendon, in her 04/28/2021 testimony, states how her property is unable to fulfill any of the eight requirements needed to be qualified as IAL. The previously mentioned discrepancies are simply two instances out of the many other available testimonies. After reviewing the plethora of contradictions in information, it has become blatantly obvious that the CCoH has not spent enough time nor effort in determining which properties should be included in the IAL map. The consultants or employees that were involved in this mapping process did not examine properties in person, therefore are not entirely informed of the current topography and its potential to be designated as IAL. This fieldwork should be required in order to determine whether or not a property may be eligible for designation, along with being the perfect opportunity to notify landowners of this process.

Seeing as the first approval of IAL labels has started as early as March, 2009, the mapping process has had sufficient time to ensure that all data collected and lands recommended were accurately examined to be included into the proposal. Twelve years is sufficient time to establish credible evidence that could guide the mapping process to decide where would be most suitable as IAL along with the decisions to which properties are not suitable as IAL. The CCoH has not utilized enough resources or thought to execute a project that would implicate a great population of smaller landowners, proving that they are incompetent by making simple errors, errors such as the size of a property. The CCoH is unable to execute this proposal, despite how flawed said proposal is, as well as is unable to precisely and clearly present it, therefore the IAL mapping project proposal's approval should be paused if not stopped. Moreover, when the management of IAL mapping is passed to the LUC, the question of whether they will be able to efficiently maintain the process arises. On a call with the Head Chief Clerk, Riley K. Hokoda, the issue that LUC did not have “enough manpower” (5/14/2021) to review the entire CCoH IAL plan brought great concern to the ‘Ohana, including the fact that he himself has not reviewed the document either. Over the recent months, the LUC has been “overwhelmed with calls” (5/14/2021) regarding this issue and suggests that the LUC is unable to properly manage the IAL litigation process with small private property owners, a controversy that is sure to occur/continue.

Concern 4:

The Phillip ‘Ohana opposes the IAL designation of its Kuleana Parcel due to the

CCoH's faulty process of this designation, the deliberate vagueness of the IAL regulations and limitations, and failure to properly notify those affected. It has become apparent that many small private property owners object to this decision made without their knowledge and the LUC must realize that the IAL regulations, under the assumptions of the 'Ohana, was not drafted in good faith for the benefit of small property owners, but rather big corporations. The approval of companies such as Kauai Coffee, Parker Ranch, etc. has occurred prior to 2016 when the first alleged notification from the CCoH was sent to smaller landowners. The CCoH may have presented the proposal with positive intentions to secure the island's agriculture, but their glaring exclusion of smaller landowners suggests otherwise. This sentiment is deepened when considering the swift cooperation between larger companies and the CCoH that occurred unbeknownst to those excluded.

It is with our highest consideration for the community that we oppose IAL laws and wish to reference a petition first submitted by Sean Anderson in his written testimony on 04/28/2021, that has as of 05/17/2021 over 800 signatures. We ask the LUC to side with the public for the preservation of our due process, which has surely been violated by the CCoH, to protect the right for an owner to consciously decide the usage of their land.

Mahalo Nui Loa,

Simon Phillip and the Phillip 'Ohana