

Quinones, Natasha A

From: Hakoda, Riley K
Sent: Tuesday, August 31, 2021 8:05 AM
To: Quinones, Natasha A
Subject: FW: IAL
Attachments: HADAR IAL.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Old IAL email to be posted...

From: Hipolito, Ailene <ailene.hipolito@honolulu.gov>
Sent: Wednesday, July 14, 2021 11:30 AM
To: Hakoda, Riley K <riley.k.hakoda@hawaii.gov>
Subject: [EXTERNAL] IAL
Importance: High

Aloha Riley,
I was instructed to send you a copy of correspondence about a property that's potentially designated as IAL,
please see attachment.

Thanks,
Ailene Hipolito
Community Planning Branch
Dept. of Planning & Permitting
(808) 768-8036
ailene.hipolito@honolulu.gov

To:
Community Planning Branch of the Department of Planning and Permitting
Land Use Commission

2021 JUL -1 PM 1:19
DEPT. OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Re: TMK 1-5-9-005-040 Street Address: 59-680 Pupukea Rd. Haleiwa, HI 96712

Date: June 28, 2021

Sir/Madame,

We are writing this in response to a letter we recently received informing us that our property is currently being recommended for IAL designation. We were very upset that we were not previously notified by the DPP and learned about this potential designation from an independent law firm only a few days before the recommendation was heard by the LUC. However, before we agree to begin any legal procedures or proceed to a class action lawsuit, we would like to inform you that our entire property consists of extremely steep sloped jungle and/or thick forest with limited accessibility, thus utterly unsuitable for this designation. **No portion** of it meets ANY of your criteria for IAL:

- 1) there has not been any current or previous farming, or potential for farming on the property,
- 2) the soil is unsuitable for sustaining agricultural production,
- 3) the land has not been identified as suitable under agricultural rating systems,
- 4) there has been no association with traditional Native Hawaiian agricultural uses,
- 5) there is no good availability of water or rainfall for irrigation,
- 6) there are no general plans by the community or the neighborhood to promote agriculture,
- 7) the land has no proximity and does not provide any continuity with other agricultural areas or critical land masses,
- 8) there is no nearby support infrastructure conducive to agricultural productivity, transportation or any other like service,
- 9) there is no agricultural easement on the property.

We would therefore demand and appreciate your withdrawal of our property from your list of properties appropriate for your Important Agricultural Lands project.

Thank you for your time and attention and please let us know your response ASAP so that we can avoid expensive legal proceedings.

Sincerely,



Sam Hadar, Property Owner



Nodie Namba-Hadar, Property Owner

Testimony of Nodie Namba-Hadar and Sam Hadar
With regard to the Conformance of C&C of Honolulu Important Agricultural Lands (IAL)
Recommendation to Applicable Statutory and Procedural Requirements

April 26, 2021

Commissioners and Board Members of the LUC,

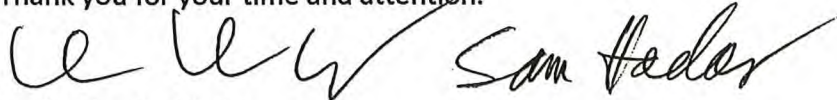
Thank you for the opportunity to address the Commission in this hearing. Our names are Nodie Namba-Hadar and Sam Hadar, and we are the owners of one of the properties that is being proposed for designation as IAL by the City and County of Honolulu (TMK 1-5-9-005-040, Street address: 59-680 Pupukea Rd. Haleiwa, HI 96712).

We oppose this because:

- There was very little stakeholder participation or facilitation of "an inclusive process of public involvement". We, as landowners and major stakeholders, were basically unaware that this was going on.
- Landowner notification was very last minute. The letter from the LUC notifying us of this hearing was received just one week prior, which did not give us enough time to research what it was about and respond appropriately.
- The C&C of Honolulu has done little to educate the landowners on the matter. In fact, the most helpful information we received was from the law firm of Durrett Lang Morse, LLP and even they are unclear on many issues. For example, the legal definition of IAL has three qualifying points, whereas the HRS Section 205-44 sets forth nine standards and criteria.
- The C&C of Honolulu did not, as required by IAL law, develop its maps of "potential lands to be considered for designation as important agricultural lands in consultation and cooperation with landowners..." (HRS 205-47b)
- Much of the land that is being recommended as IAL is utterly unfit for agricultural cultivation, indicating that the C&C of Honolulu did not appropriately research or survey the land.
- The C&C of Honolulu has not made clear the ramifications of an IAL designation to landowners. What are the potential benefits? What are the limitations and restrictions?

Based on these considerations and the fact that the C&C of Honolulu has not complied with legal requirements in connection with this designation of IAL, we respectfully ask that you deny the C&C of Honolulu's recommendation for designation.

Thank you for your time and attention.



Nodie Namba-Hadar
Sam Hadar