

From: [Reuben Fung](#)
To: [DBEDT LUC](#)
Cc: [Orodenker, Daniel E](#); [Hakoda, Riley K](#); [Derrickson, Scott A](#); [Quinones, Natasha A](#)
Subject: [EXTERNAL] TESTIMONY OPPOSING THE CITY AND COUNTY OF HONOLULU'S PROPOSED DESIGNATION OF TMK 5-6-006:057 (KAHUKU) AS IMPORTANT AGRICULTURAL LAND
Date: Tuesday, April 27, 2021 10:43:24 AM

Land Use Commission
Department of Business, Economic Development & Tourism
State of Hawaii

TESTIMONY OPPOSING THE CITY AND COUNTY OF HONOLULU'S PROPOSED DESIGNATION OF TMK 5-6-006:057 (KAHUKU) AS IMPORTANT AGRICULTURAL LAND

Dear Land Use Commission Chair and Commission Members.

I am the owner of an approximately 58.4-acre parcel of land in Kahuku (TMK 5-6-006:057).

I was surprised to receive the Land Use Commission (LUC) notice dated April 12, 2021 notifying me: 1) that a portion of my land is being proposed for designation as Important Agricultural Land (IAL) by the City and County of Honolulu (City); and 2) of the LUC hearings on this matter on April 28 and 29, 2021.

I am writing oppose the City's proposed IAL designation on my property and object to the process the City undertook in developing its proposed IAL designations.

I have owned the land since 2015, and have never received any previous notice regarding the proposed IAL designation.

Of the total 58.4-acre parcel, the City is proposing to designate two small noncontiguous areas as IAL. I find it odd that two small areas are proposed to be designated IAL, as the other areas of the parcel are not significantly different.

As I learned more about the IAL process I understand that there are eight (8) criteria to identify IAL. I understand that lands identified as IAL do not need to meet every criterion and lands meeting any of the criteria can be given initial consideration, however the designation of IAL should be determined by weighing the other criteria with each other. While the City is proposing to designate lands as IAL, I do not understand the City's methodology to identify lands that meet the IAL criteria and why my property is proposed for IAL designation.

My understanding is that the City's narrowed the identification of IAL lands to only three (3) of the eight (8) criteria. Of those three criteria, a parcel was included in the City's proposed IAL designation if it met only 1 of the 3 criteria. I believe that this resulted in a flawed process of mapping lands that should be considered for IAL designation.

I also understand that while there is not a criterion related to parcel size, one of the criteria is "lands that contribute to maintaining a critical land mass to agricultural operating productivity" and this criterion should be considered when identifying parcel sizes for IAL. I do not agree that the two small non-contiguous areas of my property would contribute to maintaining a critical land mass for agricultural productivity.

In addition, I find it odd that the City would propose IAL Designation of any of my property, as:

- Based on a study done by ALISH a majority of the property has been deemed poor for agriculture
- The property is on the top of a ridge and slopes down significantly toward the valley below
- Historically the land has never been used for agriculture, unlike the thousands of homes being developed across the Ewa Plains and in Waipio over the vast acres of farmlands

As a landowner I would like more information from the City regarding:

1. The process they undertook to propose the IAL designation of the two small non-contiguous areas of my 58.4-acre property; and
2. How the IAL designation could impact future land uses and/or approvals related to the use of the property. I have not been fully informed of what the potential implications of the IAL designation would be for my property.

Therefore, I request that the LUC send the City's proposed IAL designations back to the City and that the City provide a more thorough and informative community outreach process to inform small landowners like myself of the implications of the IAL designation. As part of this process the City should also and make refinements to their proposed IAL designations based on more than one of the IAL criteria before requesting the LUC's review and consideration.

Sincerely,
Reuben Fung

From: [Alicia Alethea](#)
To: [Hakoda, Riley K](#); [DBEDT LUC](#)
Subject: [EXTERNAL] IAL redesignation opposition
Date: Tuesday, April 27, 2021 2:12:02 PM

To whom it may concern,

I am extremely concerned with the potential designation of our property to IAL and the devastating economic implications that it may have on our livelihood. I have also received a letter from a law office detailing the possible changes and the implications that they would have. I would like to put in a formal request to not have our property on the list of designated IAL lots for the following reasons.

1. I was not notified of the potential change until just last week via the letter from the department of land use. This did not allow us to potentially protest or oppose the new designation.
2. The implications of the change would devastate us financially as we can not afford to only farm and not have other jobs or income.
3. Farming is a very difficult and fickle way to generate income as it can depend on the weather and simply if it rains too much one year our produce suffers.
4. There should be farming stimulus and grants in place with out the change in designation which would make life harder not easier for us.

I could go on and on with more reasons why i oppose this bill. If you would like more please let me know and i will continue this letter. Ultimately it seems that these changes will only make life more difficult and hard for people to afford to live in hawaii and force land owners to sell and move. These changes are not benefiting exisiting land owners. If this were for newly designated agricutural lands, like in norfolk the development, I would see how this would be more relevant. Again, please take our property off the list of IAL properties.

Thank you,
Alicia and Zac Alethea
TMK# 41025004

From: [gary ilalaole](#)
To: [DBEDT LUC](#); [gary ilalaole](#)
Subject: [EXTERNAL] Landowner IAL Testimony
Date: Tuesday, April 27, 2021 1:59:17 PM

LUC, I own land that is proposed for IAL Designation; TMK 6-6-028-003. I bought the land to farm and am currently farming my property. The tax department already came out, inspected it, and declared it as okay for Ag Dedication. I already can do some of the things IAL incentives talk about, I already have other things IAL talks about, and I do not need any of the other incentives that it talks about. IAL is useless for me, and only looks like more restrictions imposed upon me. Therefore, I am not interested in the IAL program and want my property excluded from it. Please delist my land from the Important Agricultural Land program as I do not need it or want to be part of it.

Thank You,
Gary Ilalaole

p.s. When and if shipping were to end, and our food supply is cut off, it is small farms like mine that can and will respond to the crisis. Not just the large land owners and large farms, but small farmers who will step up and do what need to be done. It is therefore my belief that the IAL program and Department Of Agriculture is misguided in its mission. The monies spent for IAL should be spent on supporting small farms with efforts to help them grow things, and then distribute their products. Let farmers just farm and be unconcerned with other things. That's what we need and that will get more people involved in farming, not trying to restrict things further. It may look like the incentives are great but they are not what I need. The worst thing is no one called me or other farmers to learn what we need, or ask us questions. We know what is needed and no one is doing those things, nor even asking us what we think needs to be done, and that's just plain wrong. Wasting effort and money going the wrong direction by not doing thorough research.

DAMON KEY LEONG KUPCHAK HASTERT

A LAW CORPORATION

April 27, 2021

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VIA EMAIL: dbedt.luc.web@hawaii.gov

Jonathan Likeke Scheuer, Chair
Nancy Cabral, Vice Chair
Edmund Aczon, Vice Chair
State of Hawai'i, Land Use Commission
Department of Business, Economic Development, and Tourism
P.O. Box 2359
Honolulu, Hawai'i 96804-2359

Re: Notice to Affected Landowner
Important Agricultural Lands Project

Dear Chair Scheuer, Vice Chair Cabral, and Vice Chair Aczon:

We represent Religious Corporation Honbushin and Honbushin International Center ("Honbushin"), the owner and lessee of 95-30 Waihonu Street, Mililani, Hawai'i at Tax Map Key Nos.: 9-5-001:086, 087 ("Property"). We are in receipt of the Land Use Commission's ("LUC") letter regarding the proposed designation of Honbushin's property as Important Agricultural Land ("IAL") by the City and County of Honolulu ("City"). We write to you today to object to the IAL designation of Honbushin's property, and generally to the process through which the City's Department of Planning and Permitting ("DPP") determined this designation and makes proposals to the LUC. We had previously objected to DPP's designation in 2017 and were told we would receive a response, but none followed.

While an IAL designation facially seems beneficial, without the necessary IAL Land Use Ordinances ("LUO"), it presents complications and difficulties for Honbushin. The purpose of the IAL designation under Hawai'i Revised Statute chapter 205 is to promote agricultural uses, provide incentives, and provide protections for owners of IAL. In order to achieve the goal of long-term agricultural viability each county must ensure that their "(1) Agricultural development, land use, water use, regulatory, tax, and land protection policies; and (2) Permitting and

¹Admitted in Hawaii and Washington

²Admitted in Hawaii and California

³Admitted in Hawaii and Florida



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Nancy Cabral, Vice Chair
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approval procedures, enable and promote the economic sustainability of agriculture.” Haw. Rev. Stat. § 205-46(a). The LUO, however, does not account for an IAL designation. The only mention of IAL in the LUO is that “[t]he intent of the AG-1 restricted agricultural district is to conserve and protect important agricultural lands for the performance of agricultural functions by permitting only those uses which perpetuate the retention of these lands in the production of food, feed, forage, fiber crops, and horticultural plants. Only accessory agribusiness activities which meet the above intent shall be permitted in this district.” LUO § 21-3.50(b). There are no other ordinances that determine the City’s designation process, its implications on existing City land use designations, the incentives, policies, permitting procedure, etc.

Honbushin’s Property is designated, primarily, as AG-1 under the LUO, but some portions are considered AG-2. There is nothing in the LUO that clarifies whether land that is currently zoned AG-2 would change to an AG-1 designation if the state land use designation is changed to IAL. The only mention of IAL in the LUO is in the context of the intent of AG-1 land. The ambiguity in this one ordinance could lead to varied interpretations. However, if the state land use designation of IAL is interpreted to change the City’s designation from AG-2 to AG-1, then it will limit the permissible and possible uses of Honbushin’s Property. Given Honbushin’s unequivocal rejection of the City’s attempt to change its Property’s state land use designation to IAL, it would be improper for the City to change the state land use designation. To do so, in light of the one ambiguous LUO regarding IAL and the high probability that an IAL designation would be interpreted to change Honbushin’s AG-2 designation to AG-1, would amount to a regulatory taking for which Honbushin would seek all available legal remedies.

Honbushin is concerned with the stringent legal limitations and restrictions an IAL designation brings, particularly since they are primarily, a religious organization. Honbushin’s religious practice utilizes farming and agriculture to seek harmony with nature and the environment, but farming is a means of furthering their beliefs and not a means through which Honbushin profits. Honbushin has been able to share their

DAMON KEY LEONG KUPCHAK HASTERT

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teachings of harmony, service, and gratitude through their farming practices such as a bimonthly Vegetable Bazaar in which the community is invited to purchase fresh produce and baked goods. Honbushin also hosts a highly celebrated, annual Daikon Festival where families learn about the importance of sustainability as an extension of celebrating the blessings of nature through hands-on activities. However, Honbushin is also sanctuary for those seeking peace, meditation, or other blessings and an IAL designation could improperly force Honbushin to prioritize agriculture over their other religious functions.

Frankly, the City's initiative to designate IAL was premature without the requisite LUOs in place. Honbushin remains committed to raising awareness and educating the community about the importance of harmony with nature and the environment through the resources their land has been able to provide for the community. So, until the City Council passes LUOs detailing the process of designation, the permitting and approval procedures, and the incentives and protections regarding agricultural development, land use, water use, regulatory, tax, and land protection policies, Honbushin is still not interested in acquiescing to the IAL designation of its Property.

We look forward to your confirmation that Honbushin's Property will not be included in the recommended IAL designation. If you have any questions, please feel free to contact our office.

Very truly yours,

DAMON KEY LEONG KUPCHAK HASTERT



Christine A. Kubota
Nicholas K. Ernst

OBJECTION TO IAL (Important Agricultural Land)

WHEREAS, on August 21, 2018, the DPP, by Departmental Communication 578 (2018), transmitted to the Council a report entitled “Oahu Important Agricultural Land Mapping Project” (the “Report”), which contains maps **identifying lands in the City that are recommended for designation as IAL, and documentation of the process undertaken to identify such lands pursuant to HRS Section 205-47**; and WHEREAS, the DPP **notified** each real property owner of land identified as AL in the Report to inform them of the potential designation of their lands as IAL;

Me and my husband purchased land in the Poamaho camp. We are currently building our family home. We were not made aware that this parcel of land was considered “important agricultural land” when it was up for sale. We were not notified by the state. We have a building permit #824631 that was issued by the Department of Permit and Planning in *November* 2018. According to records provided on the Land Use Commission website, lands considered by the DPP as IAL was in *April* 2018. Why is that DPP issued a building permit for the land after the fact that it was deemed “IAL.” It doesn’t make sense and it’s not fair that our family gets punished and are victims because of the faults of the state personnel involved for not carrying out this process effectively.

Poamoho camp is surrounded by Agricultural land. However, the camp itself comprises housings that are in an association. I’m a recorded association member.

We are victims, as we weren’t made aware of this land being included into IAL. Why would we waste money, time, and energy in a parcel of land if we knew it was deemed IAL. We had no idea and it's not fair to take away this opportunity for a hard working family.

We are not keen on our land being included into the IAL and want to know how we can get our land out of being considered IAL.

According to the criteria to identify IAL, our parcel of land is not appropriate.

Criteria #1: Land currently used for agricultural production

- Our land is NOT currently being used for agricultural production

Criteria #4: Land types associated with traditional native Hawaiian agricultural uses, such as taro cultivation, or unique agricultural crops and uses, such as coffee, vineyards, aquaculture, and energy production.

- Our land is not associated with traditional native Hawaiian agricultural uses.

Criteria #7: Land that contributes to maintaining a critical land mass important to agricultural operating productivity.

- Our land does not contribute to maintaining a critical land mass important to agricultural operating productivity. Our land is not big enough for agricultural operating productivity.

Criteria #8: Land with or near support infrastructure conducive to agricultural productivity, such as transportation, markets, water, or power.

- Our land does not meet this criteria.

Thank you for giving us the opportunity to voice our concerns during this meeting.

From: [Jasmine Robello](#)
To: DBEDT LUC
Subject: [EXTERNAL] IAL DESIGNATION
Date: Tuesday, April 27, 2021 7:53:56 AM

Joann Robello
87-1001 Iliili Road
Waiāanae, Hawaii 96792
TMK 87019031

RE: Conformance of C&C of Honolulu Important Agricultural Lands
(IAL) Recommendations Land Use Commission Meetings April 28-29,
2021

To The Land Use Commission Members,

We at the above referenced TMK is hereby registering a formal
objection to being included in the IAL designation for the following
reasons:

1. The C&C of Honolulu did not fully discuss the details and
consequences of how an IAL designation will impact the property.
2. The narrow criteria the C&C of Honolulu used for recommending IAL
should not be adopted by the Land Use Commission. A more
comprehensive process should be utilized.
3. In accordance with HRS 205-47(d)(5) the C&C of Honolulu did not
provide an adequate format for the landowners that will be affected to
articulate its position on being designated as an IAL.
e.g. Kupuna, people not proficient in the use of modern technology
(tech-savvy), or new landowners that were not made aware of the
possible IAL designation before purchasing of property.

At this time a contested IAL Designation Case Hearing is also being
requested.

Respectfully,
Joann Robello
(808) 782-4553
Cjmi5@gmail.com
jaminerobello332@gmail.com

April 27, 2021

State Land Use Commission

PO Box 2359

Honolulu, HI 96814-2359

RE: IAL Designation

Dear Members of the State LUC:

As a farmer who owns and works the land in the area that is being recommended by the City and County of Honolulu to be designated as Important Agricultural Land, I respectfully ask that you DENY this recommendation.

The process that the C&C of Honolulu used to make this recommendation was not adequate for such an important precedent setting decision. I attended the public meeting that took place in 2017 and know for certain that things stated at this meeting are in direct conflict with what is being proposed.

I am in complete agreement with the need to protect, preserve and utilize our agricultural lands as originally stated in the 1978 Constitutional Convention, and as a farmer, have been making my livelihood to support diversified agriculture and greater food self-sufficiency here in Hawaii.

I urge you to DENY the City's proposal for this IAL Designated area and support a much more equitable and democratic process that will actually increase agricultural diversification and productivity in our state.

Respectfully,

Mark Hamamoto

Waialua, HI

478-8469

Aloha -

My name is Shirley Simao. Our family purchased five acres of Ag-1 property in Waialua nearly five years ago. We purchased it with the intent of starting a small family farm and later building a home on the property. We had no previous experience in farming.

Since the purchase, our family, consisting of my husband and I, my three adult children and spouses, and seven grandchildren, have engaged in small-scale farming of crops, fruit trees, and raising farm animals. One of my daughters attended the GoFarm program where she learned and taught us how to plant and harvest crops. We have learned through my son's research, how to raise farm animals. It is very hard, laborious work, and there have been a lot of trial and error, but it has been rewarding knowing that we are a part of the solution to helping make Hawaii more self-sustainable. However, the work can only currently be done part-time, as most of us have other full-time jobs.

The letter that we received dated April 12, 2021 from the LUC was the first that our family, as landowners, heard of this proposed IAL designation. According to this letter, these hearings are for the purpose of helping the Commission decide if the County complied with legal requirements concerning the IAL designation and to hear public testimony concerning general issues regarding the process used by the County.

After reading through the City and County of Honolulu's Recommendation of Important Agricultural Lands submitted to the LUC on April 21, 2021 and posted to the LUC website, we believe there are problems with how the maps were compiled.

For instance, on page 5 of the document:

HRS §205-47(b) requires:

Each county shall develop maps of potential lands to be considered for designation as [IAL] **in consultation and cooperation with landowners**, the department of agriculture, agricultural interest groups, including representatives from the Hawaii Farm Bureau Federation and other agricultural organizations, the United States Department of Agriculture - Natural Resources Conservation Service, the office of planning, and other groups as necessary.

(Emphases added).

The City's document goes on to say that:

During the first of two phases of the City's IAL designation process, the City convened a technical advisory committee ("TAC") comprised of 13 farmers, six agricultural agency representatives, two agricultural interests, two other agricultural representatives, **one landowner**, and two ex-officio members, which together, includes all of the agencies and organizations listed in HRS §205-47(b)....

Now, according to the State requirement, the County was to be in "consultation and cooperation with landowners". Landowners, plural, are the first group mentioned in this requirement, which would signify the level of importance this group has in the list of groups and organizations that needed to be a part of this mapping process. The City and County's technical advisory committee only included one

landowner. Only one landowner is not a fair representation on the committee and certainly would not adequately address the complex issues at stake. All other members of the committee represented agricultural interests. This is far from fair. Each piece of property has its own unique characteristics and there can not be a one size fits all approach to these properties. The landowners are the most familiar with their own properties and should therefore, be allowed to be a part of the process.

There are several other examples that we found to be problematic within the document, but without going into too much detail, just wanted to mention a few more:

HRS §205-47(c) Inclusive Process for Public Involvement: In this section, it is recommended that one or more citizen advisory committees on IAL be formed to provide further public input. It is unclear as to whether this type of committee was established. The **landowner** feedback that was gathered through the City's methods of public involvement yielded 90% landowner dissatisfaction with the preliminary IAL designation and as a result, more than half of the landowner requests to be excluded were granted. By this overwhelming percentage, there should have been more widespread notification and landowner involvement in the process.

HRS §205-47(d) Landowner Notification and Report on IAL Consistency with HRS Subsections 205-47(d)(I) - (5): The City was required to take **reasonable action to notify each owner**. In the document, the City lists dates that notices were mailed to landowners. Our family did not receive any notice from the City. The first notice we received was this month from the LUC.

There are further problems with the criteria used for the identification of IAL that would warrant further input from landowners. These have to do with size of parcels, slopes on parcels, infrastructure and water available to parcels, etc. Due to the under-representation of landowners in the process, these problems were not adequately addressed.

These are just some of the issues that we got out of the City's own document. In conclusion, we ask that the LUC reject the maps included in the recommendation and allow landowners a choice in subjecting their properties to the IAL designation. After all, the landowners have the greatest interests in their lands.

Thank you for your consideration.



Shirley Simao

92-244 Hoalii Place

Kapolei, HI 96707

Colleen Hanabusa AAL LLC
3660 Waokanaka Street
Honolulu, Hawai'i 96817

April 27, 2021

Via email

Land Use Commission
Department of Business, Economic Development & Tourism
235 South Beretania Street
Suite 406
Honolulu, HI 96813

Re: IAL Designations
TMK #s: 87021014 and 94005052

Dear Members of the Land Use Commission:

I write on behalf of Dairy Co., Inc., owner of TMK# 94005052 (approximately 4.5 acres) and Hawaii Tractor, Ltd. owner of TMK# 87021014 (approximately 4.93 acres). Both parcels were identified as Important Agricultural Lands (IAL) by the City and County of Honolulu in Council Resolution 18-233 CD1 FD1, enacted on June 15, 2019.

This written testimony is submitted for the Zoom meeting of the Land Use Commission (LUC) scheduled for April 28-29, 2021. It is my understanding that this meeting, identified as a “first meeting” is “limited in scope.” The purpose of this first meeting and the testimony you will receiving today is to assess whether the City and County has complied with the legal requirements in the designation of these lands as IAL.

It is my clients’ position that the City and County of Honolulu has not complied with the legal requirements in the designation of their lands as IAL. To ensure no confusion as to my clients’ position, they believe their land was improperly identified by the City and County of Honolulu as IAL for the following reasons:

Background of IAL: IAL is found in Article XI section 3 of the ***Constitution of the State of Hawai'i, (Constitution)***. The provision was a result of the 1978 Constitutional Convention and voted by the people of the State of Hawai'i to stand for the proposition that:

Section 3. The State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands. The legislature shall provide standards and criteria to accomplish the foregoing.

Lands identified by the State as important agricultural lands needed to fulfill the purposes above shall not be reclassified by the State or rezoned by its political subdivisions without meeting the standards and criteria established by the legislature and approved by a two-thirds vote of the body responsible for the reclassification or rezoning action. [Add Const Con 1978 and election Nov 7, 1978]

The Delegates to the Constitutional Convention believed that due to the shifting from an agricultural economic base, the State needed a strong policy for what we call today, sustainability. The emphasis was to conserve and preserve agricultural lands to ensure its availability to promote the diversification from the large plantations.

The Legislature was mandated to provide the standards and criteria to effect this policy. Unfortunately, it was not until 2005 and 2008 that major legislation was enacted to fulfill the requirements of Article XI section 3. I am in the position to speak to this in that I served in the Legislature as the Majority Leader of the Senate and Chair of Judiciary and Hawaiian Affairs in 2005 and as President of the Senate in 2008.

As members of the LUC are well aware, there has been conflict in the past as to whether the LUC was a necessary step in the planning and designation of lands. The Counties have believed that they best understand their lands and as a result the LUC is an unnecessary obstacle to land designation process. What this IAL process has shown is the importance of the LUC to ensure continuity throughout the State on policies which affect all the people of the State of Hawai'i.

HB 1640 CD1 became Act 183 of the Session Laws of 2005. SB 2646 CD1 became Act 233 of the Session Laws of 2008. These two Acts for most part amended *Hawai'i Revised Statutes* §§ 205-1, *et seq.* (the LUC law). These were the laws that defined the criteria for the IAL and roles of the Counties and the LUC. What was forwarded to the LUC as Council Resolution 18-233 CD1 FD1 (June 15, 2019), is the City's compliance with the *Constitution* and the relevant sections of the *Hawai'i Revised Statutes*.

In my discussion with a representative of the City, I have come to the understanding that in order to be designated IAL, the land at issue must meet one of the following criteria: availability of water, in Agricultural use, and soil quality. A simplification of the criteria set forth in the laws.

Application to the Parcels at Issue. As stated above, this Zoom meeting is not to contest the designation; however, permit me to address why these two TMKs should not be IAL as an example of how the City failed to fulfill its role in this important Constitutional mandate. Taking each parcel separately.

TMK # 94005052. In the May 2019 List of IAL, this parcel is identified as 50.24 acres of which 20.25 are to be designated as IAL. For ease of reference, it is identified as parcel no. 1772. My client's parcel is approximately 4.5 acres. It is assumed that the 4.5 acres is part of the 20.25 which is not owned by my client. Moreover, this parcel is in what is commonly called the Kipapa Gulch. The land which borders the 4.5 acres across Kamehameha Highway towards Pearl Harbor is held by the military. Land mauka of the 4.5 acres is also held by the military. Though it has not been used in agriculture for at least two generations of my client's family, there is recollection of sentries and possibly, fuel storage tanks mauka of the property. It was significant enough so that my client recalls posted military sentries near the subject property at some time in the past. The property has not been used in agriculture, there is no independent water source and the soil conditions do not qualify as prime agricultural lands.

It is understood that the City may have looked at large tracks of land, irrespective of whether there were in fact now held by small land owners to designate the total area as IAL. It is difficult to believe that the City did not pay heed to the lands use by the military and the fact that this land has not been in agricultural use for generations.

TMK # 87021014. In the May 2019 List of IAL, this parcel is identified as parcel No. 1586 of approximately 4.93 acres. The land is located in the Waianae Coast off of Hakimo Road. Prior to the purchase of the land by Hawaii Tractor, Ltd. this land was used for housing. Today one house is occupied. The land has not been used for agriculture to the best of my client's knowledge. It is believed there is no independent water source and the soil is coral based. Yet, this land is classified as IAL. It may be the City's position that lots like this were sold by the dairies in the Wai'anāe area and "could be" consolidated for the agricultural use. This is not a criteria for IAL.

CONCLUSION. For purposes of this Zoom meeting, this testimony is submitted for the proposition that my clients do not believe the City complied with the legal requirements of what fulfills the designation of the IAL. Now that landowners have become more aware of this process and what the potential consequences may be to their existing land use, it is recommended that the LUC determine that the City did not comply with the legal requirements; and it be remanded to the City to revisit its identification.

The concept of IAL is a serious constitutional issue. It should not be treated in a perfunctory manner with no consideration for the lands present use.

Thank you very much for considering this testimony on behalf of the above identified TMKs. If you have any questions, please do not hesitate to contact me at (808) 595-3388, by email at hanac841@yahoo.com or at the above stated address.

Very truly yours,

/s/ ***Colleen Hanabusa***

Colleen Hanabusa, AAL LLC