

Quinones, Natasha A

From: Hakoda, Riley K
Sent: Monday, June 14, 2021 9:05 AM
To: Quinones, Natasha A
Subject: FW: Request for exclusion from Important Agricultural Land (IAL) designation

Follow Up Flag: Follow up
Flag Status: Flagged

ial

From: Gaye <gaye.arakaki@gmail.com>
Sent: Monday, June 14, 2021 8:47 AM
To: Hakoda, Riley K <riley.k.hakoda@hawaii.gov>
Subject: [EXTERNAL] Request for exclusion from Important Agricultural Land (IAL) designation

June 14, 2021
Land Use Commission
Riley.k.hakoda@hawaii.gov

RE: Request for exclusion from Important Agricultural Lands (IAL) designation

Dear Mr. Hakoda,

We are Derek and Gaye Arakaki, owners of the property located at 87-1660 Kapiki Road in Waianae, Tax Map Key: 1-87-021-044-0000-000. We were initially notified of the IAL designation of our property by the City and County of Honolulu in a letter dated November 8, 2017. We attended the "final community meeting to view the final IAL Map and the IAL process" at Aiea Intermediate School on November 20, 2017. On November 24, 2017, we sent a letter to Mr. Ray Young, City and County of Honolulu, Department of Planning and Permitting to request that our land be excluded from IAL designation. To this day we have not receive any response from his office.

On April 12, 2021 we received a letter from the Land Use Commission informing us of the LUC hearing to discuss the County proposal for Designation of IAL. We are writing to object to the Important Agricultural Lands (IAL) designation of our property.

The property was used as a family farm operation until 1987 but is not currently being used for agricultural activities.

IAL would restrict usage, may result in citations for non-compliance, and may result in a negative effect on property values in the area.

The land is mostly coral with a shallow dusty topsoil. This property is not included in the areas designated as high-quality farmland as noted in the 2011 Oahu Agriculture Situation, Outlook and Issues report prepared for the City and County of Honolulu, DPP. In addition, the usable lot size is not feasible for truck crop farming.

This land has never been used for native Hawaiian unique crop and uses.

The City and County water main pressure is low and additional water sources were required for the family farm operation.

The 2011 ALISH report did not designate this property as prime or unique agricultural land. ALISH is the rating system used by the Land Study Bureau to designate Agricultural Lands of Importance to the State of Hawaii (ALISH). According to the ALISH report dated 2011 this property was not reported as being important agricultural land in the LSB or ALISH rating report.

We object to the IAL designation of our property because the property does not meet the IAL criteria set forth by the law at HRS Section 205-44 (c)(1-8). Additionally, the City and County failed to follow all the statutory requirements in HRS Sections 205-41 through 205-51, prior to submitting its IAL recommendations and maps to the LUC. We request that 87-1660 Kapiki Rd., Waianae, HI 96782 be excluded from IAL designation. Please respond to our request, we anxiously await your response. We can be reached by email at ojamam@yahoo.com or gaye.arakaki@gmail.com or send correspondence to 95-1093 Alakaina St. Mililani, 96789

Sincerely,
Derek and Gaye Arakaki

Sent from [Mail](#) for Windows 10

William Indich, Member / Manager
Promised Land Farm LLC
560 Nimitz Hwy #101
Honolulu, HI 96817
808-524-7769
indichcoll@aol.com

RE: TMK 410240650000. Address 41-426 Hihimanu St. Waimanalo, HI 96795

SENT VIA E-MAIL: dbedt.luc.web@hawaii.gov
Honorable Jonathon Scheuer
Chair
Land Use Commission
P.O. Box 2359
Honolulu, Hawaii 96814-2359

SUBJECT: Opposition to Proposed Important Agricultural Lands Designation

Dear Chair Scheuer and Members of the Commission,

My name is William Indich and I am a landowner/farmer in Waimanalo and own 7.914 acres. I recently received a letter from the Land Use Commission informing me that my property has been designated by the City and County of Honolulu as Important Agricultural Lands (IAL). Further, I was informed that the Land Use Commission may be taking action to accept the City and County of Honolulu's Important Agricultural Lands designation which includes my property in Waimanalo.

I object to the designation of my property as IAL for the following reasons: the process for the IAL designation was flawed and did not fully inform landowners of the designation's impact; the LUC process did not provide adequate information as to how the acceptance of these maps would impact our property; there was not clear guidance on how I could opt out of the IAL designation; and lastly the process was rushed and has left my family and I confused and perplexed.

Please consider my concerns and reject the City and County of Honolulu's representation that it has followed all procedures with respect to state statute. The IAL designation process needs more vetting and landowners must be better informed about their options, how such designation will impact their lands, and whether or not they have the ability to "opt out" of such designation.

Thank you for your consideration.

Sincerely,



William Indich, Member / Manager, Promised Land Farm LLC

PHONE (808) 594-1888

FAX (808) 594-1938



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HWY., SUITE 200
HONOLULU, HAWAII 96817

June 14, 2021

Hawai'i State Land Use Commission
Attn: Mr. Daniel E. Orodener, Executive Officer
P.O. Box 2359
Honolulu, Hawai'i 97804

Via e-mail: dbedt.luc.web@hawaii.gov

RE: Proposed Kuleana Lands exclusion from Important Agricultural Land designation

Dear Members of the Hawai'i State Land Use Commission,

The Administration of the Office of Hawaiian Affairs (OHA) submits this letter to the Land Use Commission (LUC) regarding the proposed Important Agricultural Land (IAL) Designation for the City and County of Honolulu (City). OHA appreciates the City's initiative and hard work to move forward with the implementation of our IAL laws, which are intended to enhance our food security and self-sufficiency for current and future generations. However, OHA does note that it is unclear how designation will impact landowners who are not farming or are unable to farm on lands proposed for IAL designation; in particular, OHA notes that there may be Native Hawaiian families living on kuleana that for various reasons may not be usable for agricultural activities, and that should be excluded from IAL designation until the implications of designation are better understood.

As a brief background, kuleana awarded pursuant to the Kuleana Act of 1850 were one way in which Native Hawaiian tenants were able to remain on the land, as Hawai'i transitioned to a land tenure system that incorporated western concepts of property law. Kuleana land awards were originally based on lands that were occupied and in actual cultivation. However, as the very foundation of Hawaiian society began to rapidly change, it became increasingly difficult for kuleana landowners to survive as farmers. For example, kuleana were often isolated in the middle of large agricultural or ranching operations, with limited or no access to previously shared grazing and cultivation areas. Additionally, without the shared labor that was a bedrock of Hawaiian society, it became difficult to maintain irrigation systems and to obtain sufficient water for kalo cultivation, as an example. Indeed, many kuleana were lost due to these, and many more, obstacles.

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Despite such challenges, generations of Native Hawaiian families have nonetheless managed to remain on their kuleana, and thereby maintain a deep and cherished connection to their ancestral 'āina. Notably, some kuleana even contain iwi kūpuna, and thus serve as a literal connection between past, present, and future generations. The counties, including the City and County of Honolulu, have recognized that kuleana parcels hold a special place in the concept of land ownership in Hawai'i, and have each adopted a kuleana land tax exemption to help Native Hawaiians remain on their ancestral lands.

Because the implications of IAL designation remain unclear, OHA does have concerns about potential impacts to Native Hawaiians living on kuleana that are no longer used or usable for agricultural purposes. OHA notes that IAL designation of such kuleana may not be appropriate or helpful to the overall goal of promoting our agricultural self-sufficiency. Instead, designation may potentially undermine, and perhaps even sever, deeply rooted connections to ancestral lands. **OHA therefore recommends that the LUC exclude kuleana from IAL designation, unless petitioned for by kuleana owners, to protect Native Hawaiian families and to prevent further dispossession of ancestral lands.**

We look forward to meaningful communication and collaboration regarding this important issue. Please feel free to contact Public Policy Manager Wayne Tanaka at (808)-594-1945 or via e-mail at waynet@oha.org should you have any questions or wish to discuss this matter further.

'O wau iho nō me ka 'oia'i'o,



Sylvia M. Hussey, Ed.D.
Ka Pouhana, Chief Executive Officer