

From: [Loke Aloua](#)
To: [DBEDT LUC](#)
Subject: [EXTERNAL] Testimony for A81-525 Docket
Date: Wednesday, November 15, 2023 7:04:13 PM
Attachments: [Loke Aloua Testimony Deny.pdf](#)



Aloha,

I am submitting testimony in **opposition** to A81-525 Y-O LTD. – 2023 MOTION FOR RECONSIDERATION. MY TESTIMONY IS ATTACHED.

MAHALO FOR THE OPPORTUNITY TO COMMENT,

Loke Aloua

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Cocoa cracka butta morning, hāloa till high noon, dry fish poi will meet you.



Aloha Members of the Land Use Commission,

My name is Loke Aloua and I am submitting this testimony to ask the LUC to uphold its decision to **deny** the petitioner's request for a time extension. The reasons for this request is described below:

- **A Ka Pa'akai Analysis has not been completed for Phase I or Phase II of the proposed project.**

The impacts of the proposed development on Native Hawaiian traditional and customary practices remains to be identified and therefore cannot be mitigated.

I am a kia'i loko (fishpond guardian) for Kaloko Fishpond located directly downslope from the proposed development. This fishpond is hundreds of years old and contributes to the health and balance of the Kona fisheries. The ecosystem of our loko is delicate and every action uphill in the Kaloko ahupua'a and those neighboring impacts the health of our fisheries. We do our best on the ground with our group Hui Kaloko-Honokohau and the many hands of the community who come to this wahi pana to mālama loko i'a. Today, we just worked with youth who are 7th and 8th graders in muddy waters pulling out and cleaning the loko. The fish were dancing, responding, the cold water you could feel it flowing bringing excitement to their eyes. It's been a busy year, a blessed year, of being a part of this place.

In every way we rehabilitate this space we aim to care for the loko i'a, its diverse ecosystems and the cultural practices for future generations. We need the actions uphill to consider how their developments will impact our loko i'a and these fisheries. Managing land as an actual ahupua'a system - where we consider actions from the high mountains out into the oceans - is something that the kūpuna fought for in the 1970's. Back then much of Kona was actually zoned as Conservation land. Unfortunately, since then most of the land has been rezoned and is developed or slated for development. If the folks uphill do not consider their impacts on us and our practices, the ecosystems we depend on, the species that depend on these ecosystems...everything and one downhill is threatened.

There is much to consider with developments because their impacts are so large. Whether speaking to water use, sewage, roads, bulldozing of untouched lands in just one action we can begin to take away from hundreds to thousands of years of health and vitality, history and culture of this place. We need all developments and developers to be responsible and do their part to take care of Kona. We are more than just a beautiful destination to come and develop, make plenty money and leave. We are a people who love our lands and have pilina to this place. It's a special place. The people of Kona they are special too. The land, the people, the fish, we are all connected. The impacts of the proposed development on Kaloko Loko I'a and the nearshore environment have yet to be addressed and therefore mitigated.

Recommendation: A Ka Pa'akai analysis should be completed for Phase I and Phase II of this project.

- **RCFC KALOKO HEIGHTS fail to fulfill Chapter 343 requirements.**

HRS Chapter 343-5 Applicability and Requirements states:

(a) Except as otherwise provided, an environmental assessment shall be required for actions that: (1) Propose the use of state or county lands or the use of state or county funds, other than funds to be used for feasibility or planning studies for possible future programs or projects that the agency has not approved, adopted, or funded, or funds to be used for the acquisition of unimproved real property; provided that the agency shall consider environmental factors and available alternatives in its feasibility or planning studies; provided further that an environmental assessment for proposed uses under section 205-2(d)(11) or 205-4.5(a)(13) shall only be required pursuant to section 205-5(b);

Page 12 of the 2019 Environmental Assessment states:

Section 343-5, HRS established nine types of actions that “trigger” compliance. The use of State or County funds is one of these “triggers.” Since the Proposed Project would be, in part, funded by the State of Hawai‘i, compliance with HRS and HAR is required. Tie-in to the County of Hawai‘i’s sewer treatment facility through construction of sewer lines within a County right-of-way is a separate use of County land and, thus, also a trigger. Furthermore, because the development would serve fifty or more single-family dwellings (or the equivalent), if an on-site wastewater treatment is needed, it would represent an additional trigger.

RCFC KALOKO HEIGHTS have not fulfilled HRS Chapter 343 requirements for Phase I and Phase II of this project (which have been triggered).

Recommendation: To adequately fulfill the requirements of HRS Chapter 343, an Environmental Assessment should be conducted for both Phase I and II (entire project) of the Kaloko Heights Development.

- **Environmental Impacts of Wastewater Sewage from Phase I and Phase II of the development have not been addressed.**

On January 15, 2019 the County, HHFDC and RCFC KALOKO HEIGHTS signed a Memorandum of Agreement (MOA). In this document the County Department of Environmental Management (DEM) agreed to process a total of 10,920,000 gallons per month (364,000 gallons per day) from the Phase I and Phase II of the development. Earthjustice recently filed a lawsuit in September 2023 for the clean up of the Kealakehe WWTP sewage. Hawai'i County is in violation of the Clean Water Act. Additional discharge created by the proposed development to the existing loads by the County should be addressed. There should be an environmental review for the impacts of the agreed 10,920,000 gallons per month that the County will process.

There have been an increasing number of harmful algae blooms and sick fish with fish kill conditions at the fishpond. We need to really understand what the sewage impacts are to our fishponds and nearshore fisheries. This directly impacts the health of our water, the sea life, our corals, the fish (those consumed and not), the humans who go out into the ocean. Everything comes down to the health of our water. If our waters are not healthy, we are not healthy. An environmental assessment helps provide guidance so we can clearly understand the tradeoffs and the impacts to our waters and ourselves.

Recommendation: An Environmental Assessment should be conducted for both Phase I and II (entire project) of the Kaloko Heights Development. The EA should address Kealakehe WWTP capacity and the nutrient loads released into the environment.

- **PHASE II (Petition Area) - No previous archaeological research:**

There have been numerous changes to historic preservation, its approaches, its practice, its theoretical approaches, its laws, etc. since the initial application was filed. Both Phase I and Phase II should have both been required to have an Archaeological Inventory Survey prior to any redistricting. These lands are directly connected and tell a shared story. Looking at a piece of that story and not the whole before we allow these large projects is harmful because we don't know what we are losing in its totality. The entire story hasn't been told, understood or documented. Whatever exists in the projects acreage really only exists there, no where else. That is incredibly special.

Recommendation - An Archaeological Inventory Survey should be conducted prior to applying for redistricting. The identification of Historic Properties within the petition area will provide the Commission, the community, and other government agencies with a greater understanding of its cultural landscape

Beyond those items mentioned above we also have real challenges. The traffic is congested and the roads cannot carry the capacity of Kona. This is a safety issue should we need to evacuate. How will we move when our roads are already grid locked? This is a safety issue for emergency vehicles. How will they get to folks and to the hospital when the roads are backed up without proper shoulders and safety lanes?

Our hospital is in need of dire upgrades, it is overloaded, and under equipped to manage the needs of Kona. We actually need a second hospital to serve the current and growing population. Where will this second hospital be built? When will our current hospital get those upgrades to meet the current populations needs? The old folks gotta get flown out off island we don't have the technologies and care needed.

We have water issues with downed wells with growing droughts and warnings about use and availability. Yet, here we are adding to the existing population new homes with the majority out of financial reach for our current island residents. We have one emergency spigot up mauka along the highway for ALL of North Kona. We have a population of 42,000 and growing and we have ONE emergency spigot. This is absolutely crazy.

Climate change scenarios tell us water recharge will be reduced 25% to 33% yet here we are adding more development to withdraw and not reprioritizing how we use potable water. Even so, we keep flushing drinking water down our toilets because the County has allowed development without having proper recycling facilities to reuse water. The County has still not updated the Water Use and Development Plan to consider these rapidly approaching and realized drier conditions for Kona.

Kona is growing and it is changing rapidly. The first planning document produced for Kona in 1960 the old folks said they do not want Kona to become a Waikiki. Those early documents actually bragged about the openness of the land. Those lands today they are mostly developed. Kona has changed so much it is almost unrecognizable. We have a responsibility to this place to slow the process down for Kona. For the old folks of this place that made the Kona we love. For all the life that has become for all of us and will be here long after us.

Please uphold your decision to **deny** the petitioner's request for a time extension.

Thank-you Commissioners for the space to share.