



March 3, 2023

Re: SB736 Hawai'i Community Development Authority; Office of Hawaiian Affairs; Residential Development; Kakaako Makai; Appropriations (\$).

2-16-2023 Committee Hearing

Committee on Water and Land Sen. Lorraine R. Inouye, Chair, Sen. Brandon J.C. Elefante, Vice Chair
Committee on Hawaiian Affairs Sen. Maile S. L. Shimabukuro, Chair, Sen. Kurt Fevella, Vice Chair

To the casual observer it became already clear at the beginning of the hearing that its chair and the committee had made up their minds to advance the bill to build residential high rises on Kaka`ako makai as requested by OHA (Office of Hawaiian Affairs), despite the land's environmental constraints. This became even more obvious during the hearing after the additional document disclosure by HCDA (Hawaiian Community Development Authority) that clearly documented that the site was largely toxic landfill unsuitable for residential high-rise development. No evidence was provided by either the applicant nor the Committees on how to mitigate not only the toxic waste problems but the additional cumulative impacts that come along with residential high-rise development. The fact that the site also sits adjacent to the ocean and that it is highly vulnerable to the effects of now unstoppable Climate Change and ever-accelerating Sea Level Rise had also been ignored.¹

CMISLR (Coalition to Mitigate the Impacts of Sea Level Rise) testified during HCDA public hearings against the continuous high-rise development by Howard Hughes Corp. mauka along Ala Moana Blvd. within the four-foot sea level rise zone until we realized that it was meaningless because such development was "vested" and therefore would be automatically approved with just some minor tweaks if necessary, including "documentation" that it had met building adaptability to sea level rise. It seems that OHA has taken a page out of the Howard Hughes "Development Playbook" on how to become "Vested" with its own development proposal and the emotional introduction of SB736 where further supporting reports and subsequent public hearings may then become irrelevant

HCDA, as the legal planning agency, will basically be eviscerated to do its job if committees move ahead without acknowledging and addressing science-based facts, being politically motivated.

HCDA: "What this committee is trying to do is to make a decision on allowing residential on all nine parcels and increasing the height to 400 feet on three parcels along with density without understanding and having the facts of what are the impacts on the environment, on traffic, sewer, water, groundwater, aquifers, sea level rise? We are not just talking about sea level rise and building adaptability and siting. What are the impacts of digging foundations on sea level rise and how is that going to disturb contaminants that are there? ... shouldn't it have all the facts in front of them and the benefits of that and of studies so that it can make an informed decision about residential height and density?"

Developer goals of maximizing land for its highest and best use in dollar terms as also desired by OHA, preempts truly affordable housing. Even though Kaka`ako was planned as a mixed-income community, this goal was not achieved as also testified by CMISLR to HCDA, because of the Reserved Housing Requirements that seem to be just window dressing for developing upscale residential development, as they cannot translate into affordable housing, especially with developer goals to maximize profits and unrealistic affordability formulas being used. It is therefore very disappointing that OHA, in its emotional "fact-stating" testimony, seems to be using the same misleading Reserved Housing playbook by stating: *The more residential units OHA is allowed to build, the more workforce housing can be built. Like all landowners, OHA will be required to set aside a percentage of its residential units for lower income households. While OHA intends to go above and beyond this requirement, higher density and greater height allowance will maximize this important community benefit.*

¹ A word-by-word transcription of the meeting's YouTube video as posted on the Hawaii State Legislature Web Site, has been posted on the CMILSR web site www.CMISLR.org

And how could this be accomplished if politicians put the cart before the horse and pass SB736 without knowing more facts based on science? Chair Lindsey stated: *The fact is OHA is indeed inheriting badly abused land from the state. But OHA will do what is right and what is required by studies and laws and address their findings prior to any construction. OHA is committed to the clean-up of the parcels at Kaka`ako makai finally and fully transforming them into safe and productive land into a place where Hawaiians can once again feel welcome.*

So, it has already been decided that whatever EIS (Environmental Impact Statement) OHA may produce in due time will justify building residential high-rises on a toxic waste landfill irrespective of all other consequences. Also, rather than future common-sense managed retreat, the shorelines will be repaired with public funds, at least temporarily, as sea walls cannot stop the nuisance flooding that could be expected already within the next ten years. They can also not mitigate the continuous flooding that will occur because of groundwater inundation during sea level rise and high tides that lifts Oahu's caprock aquifer to the surface along with the toxic waste as it floats on top of the higher density saltwater connected underground to the ocean.

I attended the Friends of Kewalos Community Informational Gathering on February 13 to become more familiar with all sides of the issues and was impressed by their factual presentation. However, I was also truly dismayed, as I also felt harassed, even threatened when OHA supporters verbally attacked its Board members, and even its Native Hawaiian Board member at the end of the meeting who firmly but peacefully stood their ground. With OHA chair Lindsey subsequently emotionally testifying on February 16th with language such as "We caution the opposition against engaging in casual cultural appropriation, invoking Native Hawaiian words and values to justify their opposition," I am truly concerned where this is all going.

Yes, Native Hawaiians have been often mistreated since the illegal overthrow of their Kingdom in 1893 and this can never be made whole. If OHA would have received \$200 million in 2012 instead of the Kaka`ako makai land, where would this money have ended up as Mrs. Lindsey also stated, *"OHA aggressively cleaned house. In 2022 you may have seen the coverage with new leadership in OHA, stricter policies and controls, and a commitment to transparency."* OHA Board members have also expressed privately that its attempt to build residential housing oceanside of Ala Moana Blvd. on a toxic waste dump may take many years (if ever). I am sure it will divide the community even further.

Given the above concerns, CMISR is supporting the proposal by Mr. Whalen (former HCDA chair/former director of Land Utilization of the City and County of Honolulu), to trade OHA's 30-acre Kaka`ako makai holdings for an equitable part of the 70-acre Aloha Stadium Entertainment District, with residential development permits already in place along with widespread affordable housing support. OHA could then deliver on its goal to provide truly affordable housing to its constituents. Adding the caveat that OHA retain a parcel at Kaka`ako makai for a slab-on grade construction Hawaiian Cultural Center that, I believe, the Community would greatly welcome and that would not be a liability to the future generation such as high-rises would when impacted by unpredictable Climate Change and unstoppable, accelerating Sea Level Rise.

Klaus Radtke, Ph.D.
Environmental Scientist
Coalition Member



CMISLR testifying at HCDA against high-rise development impacted by SLR.