RES24-151
Testimony

MISC. COMM. 329

PLANNING AND THE ECONOMY (P&E)

PLANNING AND THE ECONOMY (P&E) Meeting

Meeting Date: Jul 25, 2024 @ 09:00 AM

Support: 3

Oppose: 23

I wish to comment: 0

Name:	Email:	Zip:
Ryan Agee	R_AGEE@HOTMAIL.COM	96734
Representing:	Position:	Submitted:
Self	Oppose	Jul 21, 2024 @ 04:15 PM

Testimony:

We purchased our home on Iliaina St in 2021, using all of our savings. Three years in and we are $75,000 and counting in repairs due to the shifting soil. In addition to learning through direct testimony from our neighbors of the unique challenges to home ownership in Kalaheo Hillside, we've also experienced our own. Immediately upon purchase, we were forced to cut down a twenty-year-old tree that provided critical shade because the tree was sliding, leaning, and threatening to collapse on the roof. We had to repair a collapsed portion of the retaining wall in the backyard that protects our home from landslides and runoff damage. If that were not enough, with the already incredibly high cost of home ownership, we were then forced to repair our sewer drains which were broken and pooling, causing organic growth FROM THE SEWER TO GROW THROUGH OUR FLOORS AND INTO OUR HOME. The likely cause according to our contractor- unstable foundation and possible sinkholes in the below dirt. In case you didn't have the joy of looking into my daughter's room from the street due to the exterior wall having been removed to access the needed repairs, I assure you any sense of confidence in our seven-figure purchase has been quickly thrust into doubt.

In full empathy for some local Hawaiian families challenged with housing, we wholeheartedly support the efforts to solve the housing crisis. Yet, such an effort, as proposed by building on the unstable ground for merely two dozen families (or less), seems incredibly irresponsible. Regardless of future liabilities to the City and State, knowingly putting future families already challenged through even more future hardship is reckless. Furthermore, the damages thrust upon the extant neighbors through overburdening traffic and utility services seem short-sighted. I am outright in opposition to this measure on behalf of current and potential future residents of our Hillside.

An alternative position might consider increased housing opportunities (through vertical development) in more stable and suitable land in which utilities and traffic flow can be planned. More families will be better served. Considering the vast investment already sunk into the rail system, developing such housing in immediate proximity to the services provided by our new and pricey rail might also be fortuitous. As for the land on the hillside, consider developing (professionally) the trail network enjoyed by thousands throughout the year, ensuring appropriate conservation efforts are incorporated to help provide lasting access to our beautiful green spaces. Not only will this preserve the beauty of our beloved Oahu, but such local investment could further drive demand in our local businesses for mountain biking, hiking, trail running, dog walking, bird watching, and tourism. Investments like this are responsible means to enhance business and revenue generation that will further the means to resolve our housing crisis. Attempting to hide behind the honor of the Hawaiian Ali'i with this resolution is disgusting, and the writers should be professionally embarrassed.

Name:	Email:	Zip:
Kenneth Conklin, Ph.D.	Ken_Conklin@yahoo.com	96744
Representing:	Position:	Submitted:

Self	Oppose	Jul 22, 2024 @ 10:02 AM
Name: Judy Mick	Email: ppchawaii@yahoo.com	Zip: 96734-1832
Representing: Self	Position: Oppose	Submitted: Jul 23, 2024 @ 10:36 PM
Name: Shelley Miyamoto	Email: gammiekerms@hotmail.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Jul 23, 2024 @ 11:35 PM

Testimony:

Aloha Chair, Vice Chair, and members of the committee,

My name is Shelley Miyamoto, I live in Kailua on the six-hundred block of Iliaina Street. I am testifying today in opposition to RES 24-151.

The proposed development will be on the slope, directly above/behind my home.

I attended Stevenson Intermediate and Roosevelt High School, and many of my classmates are from Papakolea with Hawaiian ancestry. Having the opportunity to go to school with many Hawaiians, I witnessed firsthand that they are under-served in the community, and strongly believe they deserve good opportunities for homes and land. If I could choose the neighbors behind my home, I would definitely prefer and love to have Hawaiians in my community, over some multi-million dollar homes for rich developers, or wealthy international buyers with no ties to the land.

However, I strongly feel it is mean and a bit cruel to offer the Hawaiians homes on land that has already been deemed not suitable due to problems with poor soils. This is further evidenced in the past with failed projects due to the determination that the land is not good for development. Why would this land then be deemed okay to build homes for the Hawaiian people? I cannot help but feel this is the same way someone tries to sell you a cheap car, however it is known that the car has defects such as faulty transmission, or critical engine problems. Everything looks okay on the outside, until you find expensive problems that cause a lot of stress and financial problems, such as cracks that will affect the flooring and walls of the home.

I am attesting to this as someone who purchased my Iliaina Street home in 2017. I was not offered the courtesy of the information at the time of purchasing, that the cracks in the walls, foundation, and uneven floors in the home were because of poor soils. It was something I did not put much thought into because of the excitement to purchase the home, However, if I had known this information about the poor soils at the time of purchasing, I would not have wanted to purchase the home, and would look elsewhere. This proposed land development is rushed with the excitement to give it

to DHHL, but I feel sorry for the Hawaiians who will have to inherit homes that will have the same problems my home is having. Hawaiians should have homes that they do not have to worry about their foundations having cracks and expensive repairs to their walls. This project also does not have the full Preliminary Engineering Report indicating the potential problems of development of this land.

There was also no formal notification process in place to the surrounding neighbors regarding critical questions such as the potential damage to existing homes due to ground shaking during construction (a concern since my neighbors are having the same existing ground issues, sloping walls, and cracks), and potential changes to the eliminate the maintenance of the drainage system that the City and County of Honolulu currently maintains. If DHHL is the new landowner, does that mean that they will be liable for any damage to my home, and will maintain the concrete drainage swale that runs behind my home (if there is flooding from the property above, will DHHL be liable)? These are questions that would need to be addressed and resolved before this resolution or action is done.

If the City and County is "gifting" this land to DHHL, it needs to be for the benefit of the people in the community and the Hawaiians, but because of the condition of the land as evidenced by the suitability of the soils and neighbors, I cannot see how this will be a benefit. A close analogy I can see is how the land in Aina Haina valley is sliding and moving fence lines, and it shows the importance that the land must be suitable for developing on, or the problems that the future owners will have is heart-breaking.

Thank you for your time and the opportunity to testify.

Shelley Miyamoto, 96734

Name:	Email:	Zip:
Wynn Miyamoto	wrm74@yahoo.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Jul 23, 2024 @ 11:40 PM

Testimony:

I am a Kalaheo Hillside resident on the 600 block of Iliaina Street and am opposed to resolution 24-151. I have experienced problems with the soil around my house. I have had cracks in the retaining wall surrounding my property, cracks in the sidewalk and foundation around my house, and settlement resulting in uneven floors.

I am a professional engineer with 26 years of experience and believe the preliminary engineering report (PER) and soils investigation should be completed before a decision is made. The PER and soils investigation will not be completed before September, when the Council decision is scheduled. The PER should investigate if the existing utility systems (potable water, sewer collection and treatment, electrical, etc.) and roadways have sufficient capacity to serve the proposed units. If ADUs are constructed, this would put additional load on the utilities and roads. The PER should include an estimated cost, including any special foundations or soil amendments that are required. My experience is this type of PER would take over a year to complete and will not have sufficient information to give any recommendations by September. It will be a

disservice to DHHL to give them land without knowing the suitability and potential costs to build homes on this property. In light of the previous proposed projects for an elementary school and residential properties that were cancelled due to the poor soils, I also feel it would be a disservice to the potential residents to build homes that may likely have foundation issues.

The amended resolution does not address maintenance and responsibility of the existing drainage easements on the property. Currently the City maintains the drainage swale behind my home on the subject property. There should be a requirement that whoever owns the parcel will maintain the existing drainage system and will be responsible for any damages to neighboring properties due to failure to maintain the system. In lieu of cancellation of the existing drainage easements, they should be transferred to DHHL.

The amended resolution also does not address who will be responsible for potential damages to neighboring properties due to construction activities.

I support the goal of DHHL to provide homes to Native Hawaiians and understand that providing homesteads in an area where there is existing infrastructure to connect to is favorable. However, I do not support rushing a decision when due diligence has not been completed. If the existing soils are not suitable for foundations, this will cause future problems for the homeowners and their future generations. There may be potential solutions for poor soils, but they come at a cost. Micropile foundations and soil amendment methods like injection grouting are very expensive and may not be cost effective. This should be investigated and presented for complete transparency prior to any decisions being made.

Thank you for the opportunity to testify.

Wynn Miyamoto

96734

Name:	Email:	Zip:
Madelyn McKeague	madelyn@hawaiiancouncil.org	96826
Representing:	Position:	Submitted:
Council for Native Hawaiian Advancement	Support	Jul 24, 2024 @ 05:07 AM

Name:	Email:	Zip:
Kali Watson	nicole.l.kinilau-cano@hawaii.gov	96707
Representing:	Position:	Submitted:
Department of Hawaiian Home Lands	Support	Jul 24, 2024 @ 08:46 AM

Name:	Email:	Zip:
Ralph & Jana Schroeder	r.schroeder110@protonmail.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Jul 24, 2024 @ 09:44 AM

Name:	Email:	Zip:
David Pound	david.scott.pound@gmail.com	96734

Representing:	Position:	Submitted:
Self	Oppose	Jul 24, 2024 @ 10:32 AM

Name:	Email:	Zip:
Adam Gramann	Adamgramann@gmail.com	96734

Representing:	Position:	Submitted:
Self	Oppose	Jul 24, 2024 @ 12:00 PM

Testimony:

The land proposed is a poor location and the soil is not sturdy and causes many long term problems for those who own on the hillside. Developing more houses onto the hillside where many already have problems is not a good idea or plan.

Locations that don't have structural or engineering issues from the start is a better choice.

Name:	Email:	Zip:
Brook Gramann	brookgramann@gmail.com	96734

Representing:	Position:	Submitted:
Self	Oppose	Jul 24, 2024 @ 12:35 PM

Testimony:

Aloha,

I have lived in my home on Kalaheo Hillside for over 30 years. When we purchased the house, we were unaware of the soil issues and slippage problems. In the same year we bought the home, we had to address severe slippage on one side, causing the walkways to crack completely. Since then, we have had to continually level the back portion of our house due to backyard slippage.

We are still dealing with these issues today, which are an ongoing expense.

While I support efforts to address the housing crisis in Hawai'i, I believe it would be irresponsible to develop in areas known for soil, sinkhole, and other issues such as the ones documented in Kalaheo Hillside.

Thank you.

Name:	Email:	Zip:
Kyle Smith	kyle@smithlawhawaii.com	96734

Representing:	Position:	Submitted:
Self	Oppose	Jul 24, 2024 @ 04:40 PM

Name:	Email:	Zip:
Karen Hanson	tekhanson@gmail.com	96734

Representing:	Position:	Submitted:
Self	Oppose	Jul 24, 2024 @ 07:38 PM

Testimony:

I am opposed. I believe offering such wholly unsuitable land to house the most important people in the state will unquestionably dishonor the legacy of Prince Jonah Kūhiō Kalaniana‘ole. I do not deny the need for more housing, but I do question the wisdom and motivation of placing housing and the associated infrastructure on unstable land. Doing so will not only put our Hawaiian families in danger, but will also increase the danger the current residents face daily.

Signs of Instability

The hill is already so unstable that the existing homes and residents are currently in peril. My home has cracked walls and doors that no longer close due to the shifting land, not to mention the unstable backyard due to the unmitigated landslide (see below). The newest house on Iliana, built less than two years ago, had cracks in the drywall less than one year after it was built, even though the very reputable builder followed all the rules and regulations for building here. The house next door to me had a crack in every wall with cabinets falling off the walls in the kitchen due to the shifting foundation. The floors were no longer level and daylight could be seen where the foundation of one room met the other. I do not believe the hillside can be made safe, even through competent engineering, because the land is not of a suitable quality to respond to competent engineering and will become incredibly dangerous to everyone concerned with incompetent engineering.

Unmitigated Landslide

I speak from personal experience and invite anyone who thinks this is a good idea to visit the land behind 648 Iliana to look for themselves. In January 2023, a landslide occurred affecting three different properties. Fortunately, it occurred at night while no one was in any of the yards. This slide happened in spite of a "retaining wall" having been erected just 4 years prior, or maybe even because the retaining wall was erected. The engineer claimed to be the best in the state and even threatened a defamation lawsuit if anyone tried to blame him for the landslide and subsequent crumbling of the wall. Whether he was competent or not is no longer the issue. The issue remains that a landslide occurred affecting multiple homes and to this day this particular area is blocked off because it is unsafe and unusable.

Cost Prohibitive

Kalaheo Hillside is literally made of clay. Even with the best engineering in the world, it would be cost-prohibitive to put homes up this hill safely. The infrastructure required to support new homes is currently non-existent and likely impossible without substantial negative impact on the existing infrastructure. The existing sewers are already cracked and shifting which will soon create chaos just like the recent water main break on Mokapu. Competent engineers will avoid the project because they know the land is unsuitable and they will not want to put their names on it. That leaves only the people who will do anything for a price. Who will take responsibility when someone is killed by a landslide or inept construction? Who

will face the survivors?

Conclusion

We are doing the Department of Hawaiian Homelands no favors by giving them land they cannot safely and affordably put to use. It is an empty gesture at best, an intentional misrepresentation at worst. There is ample government land on O'ahu suitable for building homes. I do not believe Hawaiians' lives should be put at risk or their resources substantially drained to attempt to transform 10 unsuitable acres that will inevitably prove to be a futile attempt. I oppose.

Name:	Email:	Zip:
Christina Shaffer	shaffer@hawaii.rr.com	96734
Representing:	**Position:**	**Submitted:**
Self	Oppose	Jul 24, 2024 @ 08:19 PM

Testimony:

I am opposed to this for the following reasons:

- the soil in the hillside is unstable. We have major shifting and foundation cracks throughout the neighborhood.
- there will be a substantial increase in traffic, and there is a lot of pedestrian traffic in the area because of the high school on Iliaina St.
- sewage capacity is already over limit as evidenced by the chronic overflow into Kailua Bay and regular brown water advisories.

Name:	Email:	Zip:
Deven Latimer	Deven.Latimer5@icloud.com	96734-8689
Representing:	**Position:**	**Submitted:**
Self	Oppose	Jul 24, 2024 @ 09:07 PM

Name:	Email:	Zip:
lois crozer	lbc@hawaiiantel.net	96734
Representing:	**Position:**	**Submitted:**
Self	Oppose	Jul 24, 2024 @ 09:21 PM

Testimony:

The hillside is clay, and if you want to build on it, you'll need to have sturdy infrastructure worth $$. Also, how many more houses are we going to get? (Our sewage system can't handle what we have.)

Name:	Email:	Zip:
Jacob Hudson Jr	jacobh@hawaii.edu	96734-1813
Representing:	**Position:**	**Submitted:**
Self	Oppose	Jul 24, 2024 @ 09:28 PM

Testimony:

It is frightening how fast cars leave Kalaheo high school down Iliaina street. Both departing and arriving, and well after school hours for meetings and sporting activities. The intersection of Mokapu and Ilipilo Street is already bad, and this will only make it worse. Currently Iliaina street is being used as a short cut to get to KMSCS, the grade school and another entrance onto Mokapu. A cyclist was recently hit on that road.

Additionally, the land fill upon which many homes in the area are built has not been stabilized. Houses have been sliding down the slope; cracked foundations and uneven walls are evidence of the instability. The enhanced traffic due to this proposal would only make this worse.

Lastly, parking on the street is already very bad - this will only contribute to the problem.

Name:	Email:	Zip:
LeGrand Pound	lpound4031@gmail.com	96734-1832
Representing:	Position:	Submitted:
Self	Oppose	Jul 24, 2024 @ 09:59 PM

Name:	Email:	Zip:
Sara Izen	marigold.sara@gmail.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Jul 24, 2024 @ 10:45 PM

Name:	Email:	Zip:
Jason Garrett	jmgarretts.mailbox@gmail.com	32571
Representing:	Position:	Submitted:
Self	Oppose	Jul 25, 2024 @ 05:47 AM

Testimony:

To: City Council's Committee for Planning and the Economy

Fr: Jason and Kristen Garrett, 606 Ilimano St, Kailua Hi, 96734

Subj: Written Testimony for Resolution 24-151

Ladies and Gentlemen,

Our home is the last house on Ilimano Street and the homes in this proposed development would be built directly beside ours. We deal with issues related to the shifting ground on this hillside constantly, and I can tell you, that building on this hill would be a disservice to the already established residents, as well as the Native Hawaiians you have in mind for this development.

In the last year alone, we have spent more than $10,000 to reconnect the sewer lines to our house after the hillside shifted and cut them in half, 10 feet underground. Now we are trying to find a company to repair our rock walls that are splitting in two, and so far, the bids are all well over $5000, just to start repairs in a 2-foot corner section. I know full well that it will only get worse for us when excavators, earthmovers and heavy dump trucks are tearing up the hillside. And any new community built in the slide zone, that area you want to develop, will fair much worse in the coming years. Especially if constructions standards are 'relaxed' as written in to this proposal.

Let me be clear: No conveyance should be considered by the City Council until a thorough engineering and Urban impact survey has been conducted and thoroughly reviewed to fully understand the risks. And of course this survey should absolutely be provided to the public - with sufficient time for public review and comment. Let's do the smart thing and pause this resolution until DHHL returns with the survey results.

Thank you.

Jason and Kristen Garrett

Name:	Email:	Zip:
Dana Seagars	d_seagars@yahoo.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Jul 25, 2024 @ 06:06 AM

Testimony:
I oppose this until the sewage treatment facility for the greater Kailua area has been completely rebuilt to GUARANTEE that it will effectively accommodate all residential and commercial needs for the region (including for additional housing proposed by the resolution) such that it will meet all Federal & State regulations AND there will be NO future discharges into Kailua Bay.

Name:	Email:	Zip:
Chantelle Belay	chantellekb@oha.org	96817
Representing:	Position:	Submitted:
Office of Hawaiian Affairs	Support	Jul 25, 2024 @ 07:06 AM

Name:	Email:	Zip:
Barbara Germann	4beege@gmail.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Jul 25, 2024 @ 07:16 AM

Testimony:
Building homes on this area of land has already been determined to not be recommended due to the instability of the clay soil. This was explored in 2015 and 2016 when Ikaika Anderson represented District 3. Soil samples were done at that time and documented the ground would not be conducive for home construction. Nothing has changed since this was

explored; Soil is still unstable.

I have lived on Kaleheo Hillside for 31 years. This soil instability has affected old and new construction- foundations, walls and driveways.

Name:	Email:	Zip:
Sarah Baker	sarahfbaker@me.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Jul 25, 2024 @ 07:44 AM

Testimony:

This hillside was not meant for houses in the first place. Our home as well as neighbors homes continue to settle and move with ongoing foundational issues and soil slippage. As a Realtor, I show homes that go for sale in this neighborhood and see how quickly houses move, walls crack, floors become unlevel, and it is great cause for concern. The maintenance is heavy and ongoing, most often unrepairable.

Our neighborhood streets are already used as cut through's with speeding vehicles and any additional traffic would further damage the ability to have safe streets for children to play and home owners to walk and exercise.

Any homes above ours on this hillside would be detrimental to the rest of our long term residents who have put their heart and soul into preserving and keeping their home's condition up after years of a continuous slippage battle.

Name:	Email:	Zip:
Jim Hancock	eljimb0@comcast.net	96734
Representing:	Position:	Submitted:
Self	Oppose	Jul 25, 2024 @ 07:44 AM

Name:	Email:	Zip:
Tina Smith	tinaricosmith@gmail.com	96734
Representing:	Position:	Submitted:
Self	Oppose	Jul 25, 2024 @ 08:56 AM

To: Committee on Planning and the Economy
Honolulu County Council

From: Kenneth R. Conklin, Ph.D.
Email Ken_Conklin@yahoo.com

Re: Reso 24-151 including proposed CD1

Date: Thursday July 25, 2024; 9:00 AM HST

TESTIMONY IN OPPOSITION

This resolution proposes to give away a large parcel of vacant land in Kailua, either as an outright gift in its entirety (CD1) or after recipient pays approximately five percent of its estimated value. It also proposes that roads inside the parcel shall remain the property of CC Honolulu (CD1). The designated recipient is the Department of Hawaiian Homelands, presumably for the purpose of creating housing.

Five main objections, and additional lesser ones, are provided below.

OBJECTION #1: CC Honolulu taxpayers will be hit with higher property taxes to pay for services to DHHL homeowners who are totally or almost totally exempt from property taxes. The main reason mentioned for the giveaway is that the land is now vacant (no homeowner services needed), but under DHHL control it would become host to a large number of houses. In its present vacant condition the land costs CC Honolulu virtually zero money for maintenance; but after houses are built they would require large expenditures of tax dollars to provide services such as water, sewage, police and fire protection, etc. BUT the homeowners on DHHL lands pay zero property taxes for their first 7 years and then a mere token payment per year forever after -- on O'ahu that manini payment is $100. CC Honolulu property taxes run to thousands of dollars for each homeowner or their renters, who would soon see higher taxes to make up for the taxes not paid by DHHL homeowners who nevertheless consume the same services. Indeed, this week is when O'ahu homeowners will be receiving their new

property tax bills, which will cause an outcry against county council members -- especially the ones who recently grabbed a 64% salary increase, like the member who is sponsoring this resolution! CC Honolulu would not only be giving away valuable land for no compensation; CC Honolulu would be incurring major expenses and responsibilities (subject to lawsuits if there is failure to deliver) which it does not currently have.

OBJECTION #2: The Hawaiian Homelands are racially exclusionary by law -- more strongly segregated than mainland neighborhoods decades ago where redlining and racial covenants, Jim Crow laws in Southern states, and even Ku Klux Klan violence, kept Black people out. Here in Hawaii there is no visible violence to keep out people lacking a sufficiently high level of the magic blood; there's only the silent violence of racist laws which gentle people are too timid (or in-timid-ated) to challenge. The Hawaiian Homes Commission Act introduced by Mr. Kuhio in 1920 and passed in 1921 was probably unconstitutional (14th Amendment Equal Protection clause; but nobody objected back then). Delegate Kuhio introduced it to do his duty for constituent service. He persuaded his colleagues to pass it when he called upon their respect for him and because he evoked their sympathy for what he called a dying race. He was perhaps the first tycoon of the now-flourishing Native Hawaiian grievance industry. CC Honolulu people should not be forced to pay their tax dollars to support the donation of government land to maintain a system that is probably unconstitutional and certainly immoral. Aside from the loss of tax-base, there is a much more important reason to reject this resolution. In the Aloha State we should be bringing people together to promote unity and equality. It is both legally and morally wrong to divide our lands and people along racial lines.

OBJECTION #3: DHHL and the State of Hawaii have engaged in numerous land-swaps over the years. If the sponsors of this resolution think it's especially important to get this particular parcel of land transferred to DHHL, despite these objections, then the resolution should be amended to include a provision that DHHL will transfer to CC Honolulu a parcel of land it owns, which has been sitting unused for decades, in Ha'iku Valley, town of Kane'ohe, Ahupua'a of He'eia, Ko'olaupoko. For general understanding, those lands are near the Ha'iku Stairs (Stairway to Heaven), near the H-3

expressway and the Omega Station. Both parcels are in District #3 whose Councilmember is Esther Kia'aina. Ms. Kia'aina has pushed hard for the Stairs to be dismantled. It would seem that the main reason she wants the Stairs dismantled is because they are an 80-year-old historical artifact reminding us of U.S. military presence (the Omega Station for radio communication with ships around the world in WW2) and thus comprising a blight in a "sacred valley" where a group of activists has worked for years to push a bill through the legislature to turn the entire valley into a Native Hawaiian cultural center under a commission where at least 2/3 of the board members would be specifically required to have native blood.

Nepotism is the corrupt use of decision-making power whereby a person with such power uses it to give jobs, money, or other favors to family members or friends. Nepotism is an extreme form of selfishness which destroys good government by placing a decision-maker's personal interest above the best interest of the wider community being affected by decisions. The broadest range of family to be beneficiaries of nepotism would be the powerful person's entire ethnic group; while the narrowest range of nepotism would be the individual person wielding the power. At the narrow range: Ms. Kia'aina (and some other councilmembers) shamelessly voted to give herself a 64% pay raise immediately, instead of following the precedent set by Congress where pay raises do not get implemented until after the next election. Gimme! Gimme NOW!! At the widest range of nepotism to favor one's own entire ethnic group: Ms. Kia'aina has a LONG history of racial partisanship working for Bishop Estate (Kamehameha Schools), OHA, DLNR, pushing the Akaka bill during years 2000-2012 as policy advisor for Congressman Ed Case and Senator Dan Akaka; and then working for 4 years as Assistant Secretary of Interior 2012-2016 where her main accomplishment was to get regulation 43CFR50 proclaimed which remains as a "sleeper agent" to facilitate creation of a Hawaiian tribe and give it federal recognition.

Many property deeds nationwide include easements to guarantee ownership and access for electric, cable, water, and sewer lines. But Hawaii is unique among the 50 states in having racial entitlements which strip government and private landowners of property rights commonly recognized elsewhere

and give superior rights to one racial group. Ethnic Hawaiians are given special rights by explicit racial language in some laws, and by the way some non-racially-explicit laws are interpreted on account of traditional and customary practices. The Hawaiian racial easements are broad and pervasive, affecting all property. They are subtle and insidious, to the extent that most newcomers are unaware of them and will not find them listed in any deed. See webpage https://www.angelfire.com/big09a/RacialEasementsOnLand.html

This analysis is NOT intended as a personal attack on Esther Kia'aina. She seems to be a friendly, nice lady whose personal life is probably filled with love. But her political life is filled with individual selfishness, race-supremacist activism, and ethnic nepotism, doing great damage to the unity of our multiracial society and to our desire that government should treat us all equally under the law regardless of race.

Perhaps Ms. Kia'aina could begin her long journey of rehabilitation from nepotism if she would be willing to persuade DHHL to disgorge its Ha'iku Valley property and give it to CC Honolulu as a condition for transferring the parcel in Kailua to DHHL, and in return for stopping the dismantling of the Stairs and using the (former) DHHL land as a parking and staging area for visitors who wish to climb the stairs. Maps and description of the DHHL parcel in Ha'iku Valley, and also text and testimony of the most recent bill in the legislature attempting to create a Native Hawaiian cultural center there, can be seen in footnotes following Objection #8.

OBJECTION #4: If CC Honolulu leadership wishes to give away land in expectation that the recipient will develop the land with houses and thereby ease the housing shortage, then the land should be used by CC Honolulu to develop low-income housing which CC Honolulu administers or else delegates its administration as is already done with numerous other projects in urban Honolulu, Kane'ohe, Kailua, and elsewhere on O'ahu; or else the land should be given to a charitable organization which does not engage in racism but would benefit needy people regardless of race -- such as Habitat For Humanity, or Catholic Charities, for example. No Ms. Kia'aina, not OHA; not Council for Native Hawaiian Advancement. Unfortunately Habitat For

Humanity in recent years seems to be functioning in Hawaii as a wholly-owned subsidiary of DHHL, since virtually all houses created by Habitat in recent years have been located on DHHL lands!

OBJECTION #5: It appears there is no language in this resolution or CD1 that would require recipient DHHL to actually dedicate that parcel of land to housing! DHHL has often been criticized for leasing some of its lands to businesses which then pay lease rent and a percentage of business income to DHHL, which DHHL claims to use for developing housing infrastructure but which might be simply invested or spent on bloated administrative overhead and salaries for relatives and friends (see the discussion of nepotism in Objection#3 above). In recent years there have also been proposals for the legislature to pass laws allowing gambling, including proposals to allow DHHL to build and operate a gambling casino on its land (of course the neighbors in Kailua would just love that!). If a Hawaiian tribe ever gets federal recognition (which Esther Kia'aina spent perhaps 20 years working toward), and if any form of gambling gets approved by our legislature (even merely bingo or poker), then the Indian Gaming Regulatory Act would apparently allow a Hawaiian casino on DHHL land even without state approval. It might be worth considering a conspiracy theory: perhaps it was Ms. Kia'aina's hidden purpose all along, to use the proposed land transfer to DHHL as a way to allow a gambling casino to get established in Kailua to generate megabucks for her ethnic group. The only way to resolve this conspiracy theory is to write a provision into the transfer document whereby DHHL is forced to agree to use the Kailua land solely for housing.

OBJECTION #6: The proposed amendment would make the burden on taxpayers even worse than without the amendment, by specifying that roads inside the land area would not be transferred to DHHL ownership but would remain owned by CC Honolulu -- thereby the millions of dollars needed for road construction, repair and maintenance would be borne by CC Honolulu taxpayers rather than by DHHL or its homeowner/lessees, in addition to all the costs for water, sewage, police, fire, etc. as noted in Objection #1.

OBJECTION #7: Language in the resolution and amendment praising Mr. Kuhio as creator of the Hawaiian Homelands and especially as creator of the county governments for the Territory of Hawaii is gratuitous and disingenuous. Kuhio was Territorial Delegate for Hawaii in Congress beginning 2 years after Annexation was consummated and continuing for about 20 years -- as such, he was more than happy to give 203,000 acres of U.S. government land to his favorite racial group (the "spoils system" at work), and it was his duty to provide the best possible governing structure to all Hawaii's people by devolving power and accountability to the local citizens of the separate islands.

OBJECTION #8: When Delegate Kuhio engaged in tear-jerking by telling his colleagues that native Hawaiians were a dying race, he could have cited Census data from the Kingdom, Republic and early Territorial periods. Some reputable sources estimated there were perhaps 400,000 "pure Hawaiians" before Captain Cook arrived -- one exaggerator claims a million. Diseases brought by Europeans and Asians devastated the native population, while consorting with immigrants diluted the blood quanta of their resulting babies and the large number of immigrants reduced the natives' percentage of population. The praises for Kuhio in this resolution seem to be saying: We like Kuhio, so let's honor him by engaging in a racist land giveaway to the agency he founded.

Here are some facts to counteract the sob-story about Hawaiians as a dying race:

Hawai'i Census of 1890 (Kingdom): Total population 89,990; Hawaiian 34,436; Part Hawaiian 6,186. Therefore ethnic Hawaiians (full or part) total 40,622 out of 89,990 which is 45%.
Hawai'i Census of 1896 (Republic): Total population 109,020; Hawaiian 31,019; Part Hawaiian 8,485. Therefore ethnic Hawaiians (full or part) total 39,504 out of 109,020 which is 36%.
U.S. Census of 1900 (Territory): Total population 154,001; Hawaiian 29,799; Part Hawaiian 9,857. Therefore ethnic Hawaiians (full or part) total 39,656 out of 154,001 which is 26%. Japanese were 61,111 out of

154,001 which is an astonishing 40%, far outnumbering any other ethnic group.
Straight-line interpolation is not entirely appropriate due to differences in which month the census was done, and the accelerating rate of immigration; but the approximate figures for 1893 (overthrow of the monarchy) and 1898 (annexation) would be:
1893 (overthrow) ethnic Hawaiians (full or part) 40,063 out of 99,505 which is 40%.
1898 (annexation) ethnic Hawaiians (full or part) 39,580 out of 131,511 which is 30%.

But U.S. sovereignty in Hawaii has been spectacularly beneficial to ethnic Hawaiians, who are thriving, no longer dying out.
The first Census after Statehood in which "Native Hawaiian" was an identity category took place in 2000; people could check one or more race identity boxes; the "Native Hawaiian" box was checked by 401,000 people -- a ten-fold increase during the first century of U.S. sovereignty in Hawaii. In Census 2010 there were 527,000 people who checked the box.
On September 21, 2023 the Census Bureau published an article with long-delayed 2020 data saying "Newly released results from the 2020 Census Detailed Demographic and Housing Characteristics File A show that the populations of nearly all the 31 detailed Native Hawaiian and Other Pacific Islander (NHPI) groups grew over the past decade ... The Native Hawaiian alone or in any combination population grew by 29.1% from 527,077 in 2010 to 680,442 in 2020. It remained the largest NHPI alone or in any combination group in 2020, comprising nearly 43% of the NHPI alone or in combination population in the United States. The Native Hawaiian alone population was also the largest NHPI alone group (199,880 or 29.0%) and grew 28.0% between 2010 and 2020."
Almost certainly by now, extrapolating to four years later, the number of Native Hawaiians has grown to 750,000.
https://www.census.gov/library/stories/2023/09/2020-census-dhc-a-nhpi-population.html
Really almost 200,000 "pure Hawaiians" in 2020? That's obviously wrong -- it happened because Hawaiian race-based institutions and individual ethnic Hawaiians themselves had adopted racial pride and race-partisanship to such

an extent that huge numbers of mixed-race Hawaiians chose to identify solely as native Hawaiian for political purposes, thereby disrespecting the majority of their ancestors; and to exaggerate their "right" to racial entitlement programs. Even in the Censuses of 2000 and 2010 the number of self-proclaimed "pure Hawaiians" was slightly above 80,000.

Long-time Hawaii residents will remember TV commercials sponsored by OHA attempting to revive the "dying race" pity-party. The commercial showed a glass case in a museum where a man, woman, and child were displayed with a label saying "Native Hawaiians, now extinct." We're not falling for it anymore. See also my book review of "Then There Were None" at
https://www.angelfire.com/hi2/hawaiiansovereignty/lindseynoyesthennone.html

FOOTNOTES FOR OBJECTION #3:

Note1:
Detailed descriptions and maps of the DHHL parcel in Ha'iku Valley are in a draft of legislation from 2014:
HAʻIKÜ VALLEY PROJECT
DESCRIPTION: A Cultural Preservation
Plan for Sites 50-80-10-333 and -332
In the ʻIli of Haʻikü, ahupuaʻa of Heʻeia, Koʻolaupoko district, mokupuni of Oʻahu
TMK: (1)4-6-015:001, 009, 011, 012, and 014
Hälawa-Luluku Interpretive Development Project
August 2014
https://www.oha.org/wp-content/uploads/Attachment-C-Haiku-Valley-Project-Description.pdf

Note2: The draft "cultural preservation" plan was produced in 2014. Nine years later, in 2023, the most recent Ha'iku Valley bill in the legislature was offered and had hearings, still trying to develop a so-called "cultural preservation" commission. This commission was heavily stacked racially, with

5 out of 7 commissioners required to be ethnic Hawaiian, and the remaining 2 also could be (and probably would be).

Note3: HB1313 (held hearings in 2013, and was held over for further action in 2024 [but no action was taken])
RELATING TO HAIKU VALLEY.
Establishes the Haiku valley cultural preserve commission with OHA to provide policy and management oversight of the Haiku valley cultural preserve. Establishes the Haiku valley cultural preserve special fund. Initiates the process of conveying Haiku valley
Bill text (including all amended versions), history, committee hearings, pdf of all testimony submitted to each committee, YEAs and NAYs, committee reports:
https://www.capitol.hawaii.gov/session/measure_indiv.aspx?billtype=HB&billnumber=1313&year=2023
also
https://www.capitol.hawaii.gov/sessions/session2024/bills/HB1313_HD1_.htm
Notice especially the following section 9, which accepts as fact that there will be a sovereign independent nation of Hawaii recognized by the state and federal governments, and commanding that the entire valley will thereupon be transferred out of the State of Hawaii and into that race-based nation.
"§ -9 Transfer. (a) Upon its conveyance to the office, the resources of the Haiku valley cultural preserve shall be held in trust by the office as part of the public land trust; provided that the office shall transfer management and control of the Haiku valley cultural preserve to the sovereign Native Hawaiian entity upon its recognition by the United States and the State."

Soil Survey Series 1939, No. 25 Issued September, 1955

Soil Survey of the TERRITORY OF HAWAII

Islands of Hawaii, Kauai, Lanai, Maui, Molokai, and Oahu

"no slab on grade"

Report by

M. G. CLINE, in Charge
Soil Conservation Service
United States Department of Agliculture

With Section8 by .

A. S. AYRES, Hawal1an Sugar Planters' AssoclatloD
WILLIAM CROSBY, Hllwali Territorial Board of Agriculture llnd Forestry
PERRY F. PHILIPP and RALPH ELLIOTT -
Agricultural Extension Service, UnIversIty of Hawllil
The In.te O. C. MAGISTAD, of Libby, McNell, and Libby
J. C. RIPPERTON, E. Y. HOSAKA, M. TAKAHASHI, and G. D. SHERMAN
Hawaii Agricultural Experiment Station
C. K. WENTWORTH, Honolulu Board of Water Supply

Field Work by

Z. C. FOSTER, in Charge and
M. G. CLINE, L. R. SMITH, F. R. LESE,
FRED KAWAMURA, and MASAO KOGA
Division of Soil Survey
UDited States Department of Agriculture

Area Inspected by

MARK BALDWIN, Soil Scientist
Division of Soil Survey

(Field. work for this survey was done while the Division of Soil Survey was part of the Bureau or Chemistry and Soils. Soil Sllrvey was lr"nsrerred to the Soil Conservation Service on November 15, 1952)

UNITED STATES DEPARTMENT OF AGRICULTURE ,
In cooperation with the .
HAWAII AGRICULTURAL EXPERIMENT STATION

SURVEY OF THE ISLANDS OF KAUAI, OAHU

SOIL LEGEND

ne first capital letter is the initial one of the soil name. The next letter is c capital if the mapping unit is one of the low intensity 01 reconnaissance surveys, " is a small letter if the mapping unit is one of the high intensity survey. The last letter, 0 capital A, B, C, D, E, F, or G, indicates the slope. Most symbols w"hov' 0 slope letter are those of soils and land types 'h01 have 0 considerable range in slope. A final number, 2 o' 3, in the symbol indicates that the soil is eroded Ql severely eroded. The small lcl0er "," precedes the symbols for soils 01 the reconnaissance survey

HIGH AND MEDIUM INTENSITY

SYMBOL	NAME
KnoB	Keohuo cobbly silty cloy loam, 3107 percent slopes
Knoe	Keohuo cobbly silty doy loom, 710 15 percent slopes
KnoD	Keohuo cobbly silty cloy loom, 15 to 2S percent slopes
KnbD	Keahua *very* stony Silly cloy loam, 710 25 pertenl slopes
KncC	Keahua silty cloy, 71015
KnhC	Keahua cobbly silty cloy, 710 1S percent slopes
KnsC	Keohua stony silty cloy, 710 15 perce"t slopes
KoA	Kekaha silty cloy, 010'2 percenl slopes
KoB	Kekaha silty doy, 2 to 6 percenl slopes
KobA	Kekaha day, 0 to 2 percenl slopes
KpB	Kemoo silty cloy, 2 to 6 percent slopes
Kp(	Kemoo silty cloy, 610 12 percenl slopes
KpD	Kernoo silty cloy, 121020 percent slopes
KpE	clay, 201035 percent slopes
KpF	Kemoo silty cJOY, 35 ro 70 percent slopes
KrB	Koele silty cloy loom, 3 ro 7 percent slopes
Kr(	silty cloy loam, 7 to 1S percent slopes
KrD	Koele silty cloy loom, 15 to 2S percenl slopes
KsB	Koko silt loam, 210 6 percent slopes
KsC	Koko Si" loom, 6 to 12 percent slopes
KsD	Koko silt loom J2 'p 25 percent slopes
KtC	Kokokohi cloy, 6 to 12 percent slopes
KuE	Kolekole silty cloy loam, I to 6 percent slopes
KuC	Kolekole silty cloy 100m, 6 10 12 percenl slopes
KuD	Kolekole silty cloy loom, 12 ro 25 percenl slopes
KvB	Koloa slony silty cloy, 3 to 8 percent slopes
Kv(	Koloa slony silty cloy, 81015 percent slopes
KvD	Koloa stony silty cloy, 15 10 25 percent slopes
Kw	Kolokolo cloy loam
Kx(	Kula loom, 4 fa 12 percent slopes
KxD	Kula loom, 12 to 20 percent slopes
KxoD	Kula cobbly loom, 12 to 20 percen slopes
KxbE	Kulo very rocky loom, 12 to 40 percent slopes
KyA	Kunia silty cloy, 0 To 3 percent slopes
KyB	Kunia silty cloy, 3 10 8 percent slopes
KyC	Kunia silty cloy, 8 10 15 percent slopes
LaA	Lahaina 51"y cloy, 0 to 3 percenl slopes
LaB	Lohaina silty cloy, 310 7 percenl slopes
LoB3	Lahalna silty cloy, 3'O 7 percent slopes, severely eroded
LoC	Lahaina 5;lly.cloy, 710 15 percenf slopes
LoC3	Lohoi"a silty cloy, 7 to 15 percent slopes, severely eroded
LaD	Lahaina silty cloy, 1510 25 percenT slopes
Lo03	Lahaina silty cloy, 15 to 25 percen1 slopes, severely .(oded
LoE3	Lahaina silty cloy, 25 to 40 percent slopes, severely eroded
LcB	LO\Noi silty cloy, 0 to 8 percent slopes
LeC	Lowoi silty cloy, B to 15 percent slopes
LcD	Lowoi silty cloy, 15 fa 25 percent slopes
LoB	Lellehuo silTy cloy, 2 fa 6 percent slopes
LeC	Leilehuo silty cloy, 6 to 12 percent slopes
LhB	Lihue silty cloy, 010 6 percent slopes
LhC	Lihue silty cloy, 8 to 15 percent slopes
LhD	Lihue silty cloy, 15 to 25 percent slopes
LhE2	Lihue silty cloy, 25 to 40 percent slopes, .,oded
LIB	Lihue gravelly silty cloy, 0 to 8 percent slopes
LIC	Lihue gravelly silty cloy, 810 15 percent slopes
LoB	Lolekoo silty cloy, 3 to 8 percent slopes
LoC	Lolekoo sllry cloy, 810 15 percent slopes
LaD	Lolekoo silty cloy, 15 to 25 percent slopes
LoE	Lolekoo sillY cloy, 2510 40 percent slopes
LoF	Lolekoo silty cloy, 4010 70 percent slopes
LuA	Luoluolei cloy, 010 2 percenl slopes
LuB	Luoluolei cloy, 210 6 percent slopes
LvA	Luoluolei stony cloy, 010 2 percent slopes
Lve	Luoluolci stony cloy, 2 10 6 percen' slopes

HIGH AND MEDIUM INTENSITY

SYMBOL	NAME	SYMBOL
MaC	Mohollo silt loom, 61012 percent slopes	PoC
MoD	Mohana silt loom, 1210 20 percent slopes	PbC
MoD3	Mohana silt loam, 12 to 20 percent slopes, severely eroded	PcB
MaE	Mohana silt 100m, 201035	Pee
MoE3	Mohana Sill loam, 20 to 35 percenl slopes, severely eroded	PcC2
	Mohana silty cloy loom, 610 12 percenl slopes, eroded	PdA
McD2	Mohana silty cloy loam, 121020 percent slopes, eroded	PdC
McE2	Mohona silty cloy loam, 201035 percenl slopes, eroded	PeB
MdB	Mokolopo cloy, 2106 percent slopes	PeC
MdC	Mokalopa cloy, 610 12 percenl slopes	PeD
MdD	Makalopa cloy, 12 10 20 percenl slopes	PeE
MeB	Makapili silty cloy, 010 8 percent slopes	PeF
MeC	Mokapil: silty cloy, 61015 percenl slopes	prs
MeD	Makapil: silty clay, 1S TO 25 percent slopes	PfC
MeE	Makapil' silty cloy, 25 TO 40 percent slopes	PIO
MfB	Makawao silty cloy, 310 7 percenl slopes	Ph
MIC	Makawoa SIlty cloy, 710 15 percent slopes	PkB
MgB	Moko\Neli silty clay loom, 0106 percent slopes	PkC
MgC	Makaweli silty clay loom, 6 to 12 percent slopes	PIB
MgD	Makaweli silty cloy loom, 1210 20 percent slopes	PIO
MgE2	Makaweli silty clay loom, 20 to 35 perceni slopes, *eroded*	PmB
MhB	Mokoweli stony silty cloy loam, 010 6 percenl slopes	PmC
MhC	Makaweli SlO"y silty cloy loom, 6 to 12 percent stapes	PmD
MhD	Makaweli siony silty cloy loom, 1210 20 percenl slopes	PmE
MhE	Mokoweli stony silTy cloy loom, 20 to 3S percent slopes	PnA
MkA	Makiki cloy loorn, 0102 percent slopes	PnB
MIA	Mokiki stony eloy loom, 0 to 3 percent slopes	PnC
MmA	Mala silty cloy, 010 3 percent slopes	PnD
MmB	Mala silty cloy, 3 to 7 percent slopes	PnE
MnC	Mamalc slony silty cloy loom, Oto 12 percenT slopes	PoB
MoB	Manane silly cloy loam, 2 to 6 percent slopes	PooB
MaC	Manona silty cloy loom, 6 to 12 percent slopes	PpA
MoD2	Manona silty cloy loom, 12 '0 25 percent slopes, eroded	PpB
MpB	Monona silty cloy, 3 10 8 percenr slopes	PrA
MpC	Manana silly cloy, 810 15 percent slopes	PrB
MpD	Manane silty cloy, 151025 percenT slopes	PsA
MpD2	Monona silty cloy, 12 to .25 percent slopes, eroded	P,A
MpE	Manona silty clay, 25 1040 pe'cent slopes	PtB
Mr	Mokule;o fine sandy loom	PuB
Ms	Mokuleia loom	PvC
M.	Mokuleia cloy loom	PwC
Mfo	Mokuleio cloy loam, poorly drained vorio"t	PwD
Mtb	Mokuleio cloy	PwE
MuA	Molokoi sIlty cloy loom, 0 to 3 percent slopes	UwB
MuB	Molokai silty cloy loom, 3 to 7 percent slopes	UwC
MuB3	Molokoi silty cloy loom, 3 to 7 percent slopes, severely eroded	UwC3
MuC	MolokoJ silty cloy loom, 710 15 percent slopes	WaB
MuC3	Molokoi silty cloy loam, 7 to 15 percenf slopes, severely eroded	WaC
MuD	Molokoi silty cloy loam, 15 to 25 percent slopes	WaD2
MvD3	Molokol silty cloy loam, shallow voriant, 15 to 25 percent slopes, severely eroded	WbB
		WeB
NeC	N,u silty cloy loom, 6'O 12 percenl slopes	Wee
NeD	Nlu silty cloy loom, 12 to 20 perce'" slopes	WdB
NcD2	Niu silty cloy loom, 610 20 percent slopes, eroded	WeB
NcE2	Niu silry cloy loom, 2010 35 percent Slopes, eroded	WeC
Nh	Nohlli cloy	WfB
NnC	Nonopahu cloy, 2 to \0 percenl slopes	WgB
NoC	Nonopahu slony cloy, 2 10 12 percen slopes	WgC
010	Ofi loam, 12 to 20 percent slopes	WhB
		WkA
		WkB
		WlB
		WlE
		WmD

level land of the coastal plains or alluvial flats. They occur on the islands of Molokai and Oahu at elevations less than 200 feet above sea level, receive an annual precipitation of 10 to 40 inches, and are in vegetation zones A and B.

Modal profile of the

A1 0 to 5 inches, very dark-gray clay; massive; extremely hard when dry; but very plastic when wet; pH 7.0 to 8.0; roots present.

B 5 to 36 inches, dark olive-gray clay (mediulll gray when wet); massive; extremely hard when dry; and very plastic when wet; pH 7.0 to 8.0; material feels soapy when wet; very few roots are present (this could be considered part of the A1)'

C 36 inches+, dark yellowish-brown to dark olive-gray clay, less plastic and sticky than the material above; weak medium blocky structure in place; pH 6.5 to 8.0; gypsum crystals are commonly present; includes some gravel and stone fragments; alluvium.

These soils are essentially structureless. Even the surface layer is massive in most places. When it is dry, it may have a very thin layer of hard, angular crumbs or granules on the top, but, this is rarely more than a fraction of an inch thick. When it dries the soil cracks into huge blocks a foot or more across. When it is wet, no evidence of these blocks remains. The lower lying layers are rarely as completely desiccated as is the surface layer. The surface blocks may be pried out with a shovel, and the dark soapy, sticky, plastic clay beneath it is thus exposed. Most roots penetrate *only* the surface 6 or 8 inches, but roots of shrubs may reach well into the B horizon.

Kokokahi clay, phases **undifferentiated** (0 to 20 percent slopes) (KKu).- This soil occurs on the Molokini The profile, and its variations, has been described of the series. The unit may have a few loose stones on the surface or in the soil mass.

None of this unit is cropped; most of it is used for pastll1'(,. In most places it supports a good stand of algaroba growing in association with annual grasses and some shrubs. Because the soil occurs near the seashore, the stands of algaroba are commonly heavier than on the adjacent slopes, and the fruit provides moderate nlllounts of feed when the pods are dropped. On the island of Molokai the algaroba also provides excellent "bee pasture." During the winter mOil ths some forage is provided by the annual grasses that spring up after rains. These shullow-rooted plants dry up quickly after the rains stop, however, and furnish a small amount of forage. The carrying capacity of this soil is low, and the growth highly seasonal, bllt the forage is of exceptionally high quality. In some places koahaole hos been introduced on this soil and provides a fair amount of feed. This soil is probably more productive of forage than soils of the uplands in the same climatic zone.

Kokokabi very stony clay, phases undifferentiated (5 to 20 percent slopes) (KKV).-This soil occurs mainly on talns slopes; large amounts of stones and boulders have accumulated on the surface and in the soil mass. Except for stoniness, the soil profile is similar to that described for the Kokokahi series.

This soil is stony beyond the limits of cultivation, and its extremely poor physical properties make clearing of the stones too expensive in

when it dries, the soil

olive gray, massive,

islands of Molokini and Oahu

Koko silt loam, 6 to 12 percent slopes (KsC).-On this soil, runoff is medium and the erosion hazard is moderate. Workability is slightly difficult because of the slope.

This soil is used for homesites and pasture. (Capability classification IIIe if irrigated, VIe if nonirrigated; pasture group 2)

Koko silt loam, 12 to 25 percent slopes (KsD).-This soil is similar to Koko silt loam, 2 to 6 percent slopes, except that it is on fans on foot slopes of volcanic craters. Runoff is medium to rapid, and the erosion hazard is moderate to severe. Workability is difficult because of the slope.

This soil is used for homesites and pasture. (Capability classification IVe if irrigated, VIe if nonirrigated; pasture group 2)

Kokokahi Series

This series consists of moderately well drained soils on talus slopes and alluvial fans on the island of Oahu. These soils developed in colluvium and alluvium derived from basic igneous rock. They are moderately sloping to steep. Elevations range from nearly sea level to 125 feet. The annual rainfall amounts to 20 to 35 inches. The mean annual soil temperature is 74° F. Kokokahi soils occur in the vicinity of Kaneohe and Pearl Harbor and are geographically associated with Alaeloa and Jaucas soils.

These soils are used for pasture and homesites. The natural vegetation consists of kiawe, koa haole, klu, mostly foxtail, piligrass, and bermudagrass.

Kokokahi clay, 6 to 12 percent slopes (KtCl.-This soil is on talus slopes and alluvial fans. Included in mapping were small areas where the slope is 2 to 6 percent and small areas along drainageways where the slope is 20 to 35 percent. Also included were wet soils within drainageways.

In a representative profile the surface layer is very dark gray and dark gray clay about 14 inches thick. The next layer, about 12 inches thick, is dark grayish-brown clay that has subangular blocky structure. The substratum is grayish-brown and light brownish-gray clay 14 to more than 20 inches thick. These soils are very sticky and very plastic, and they crack widely upon drying. They are slightly acid to neutral in the surface layer and slightly acid to mildly alkaline below.

Permeability is slow to moderately slow. Runoff is medium, and the erosion hazard is slight to moderate. The available water capacity is about 1.6 inches per foot of soil. In places roots penetrate to a depth of 5 feet or more. Workability is difficult because of the sticky, plastic nature of the clay and the narrow range of moisture content within which the soil can be cultivated. The shrink-swell potential is high.

Representative profile: Island of Oahu, lat. 21°25'48" N. and long. 157°45'52" W.

A11 0 to 2 inches, very dark gray (10YR 3/1), moist and dry, clay; strong, fine, granular structure; extremely hard, very firm, very sticky and very plastic; many fine and very fine roots; common, very fine, tubular and interstitial pores; common, fine, black concretions; few, fine, angular fragments of basalt; moderate effervescence with hydrogen peroxide; slightly acid; clear, smooth boundary. 1 to 3 inches thick.

A12-2 to 14 inches, dark-gray (10YR 4/1), moist and dry, clay; strong, fine, st.ructure; very hard, very firm, very sticky and very plastic; plentiful very fine roots and few medium roots; common, very fine and fine, tubular pores; few, fine, black concretions; few, fine, angular fragments of basalt; moderate effervescence with hydrogen peroxide; neutral; gradual, smooth boundary. 8 to 12 inches thick.

AC-14 to 26 inches, dark grayish-brown (2.5Y 4/2), moist and dry, clay; irregularly shaped large blocks that break to moderate, fine, subangular blocky structure; extremely hard, very firm, very sticky and very plastic; common very fine roots and few medium roots; many, very fine, tubular pores: many distinct slickensides; common black stains; slight effervescence with hydrogen peroxide; few pebble-size fragments of basalt; mildly alkaline; gradual, smooth boundary. 10 to 14 inches thick.

C1-26 to 38 inches, grayish-brown (2.5Y 5/2), moist and dry, clay; large irregularly shaped blocks that break to moderate, fine and medium, subangular blocky structure; extremely hard, very firm, very sticky and very plastic; few very fine roots; few, very fine, tubular pores; common deeply grooved slickensides; common black stains; few pebble-size fragments of basalt; common fine gypsum crystals; slight effervescence with hydrogen peroxide; neutral; abrupt, smooth boundary. 8 to 14 inches thick,

C2-38 to 44 inches, light brownish-gray (2.5YR 6/2) clay, olive brown (2.5YR 4/3) when dry; weak, medium, subangular blocky structure; hard, friable, slightly sticky and slightly plastic; few very fine roots; common, very fine and fine, tubular pores; slightly acid.

A few stones occur throughout the profile. The AC horizon ranges from 2.5Y to 5Y in hue, from 3 to 5 in value when moist, and from 2 to 4 in chroma. Wide, deep cracks (2 inches or more wide and 20 to 80 inches deep) are common when the soil is dry.

This soil is used for pasture and homesites. (Capability classification VIe, nonirrigated; pasture group 3)

Kokokahi very stony clay, 0 to 35 percent slopes (KTKEl.-This soil is similar to Kokokahi clay, 6 to 12 percent slopes, except that there are many stones and boulders on the surface and throughout the profile. In most places the slope ranges from 10 to 25 percent. Runoff is medium to rapid, and the erosion hazard is moderate to severe.

This soil is used for pasture. It is generally too stony for cultivated crops. (Capability classification VIs, nonirrigated; pasture group 3)

very sticky

crack widely upon drying

Kolekole Series

This series consists of well-drained soils on uplands on the island of Oahu. These soils developed in old gravelly alluvium mixed with volcanic ash. They are gently sloping to moderately steep. Elevations range from 500 to 1,200 feet. The annual rainfall amounts to 35 to 50 inches, most of which occurs between November and April. The mean annual soil temperature is 71°F. Kolekole soils occur on the windward slopes of the Waianae Range. They are geographically associated with Kunia, Mahana, and Wahiawa soils.

These soils are used for sugarcane, pineapple, and pasture. The natural vegetation consists of guava, lantana, bermudagrass, and Natal redtop.

Kolekole silty clay loam, 1 to 6 percent slopes (KuB).-This soil occurs on smooth slopes. Included in mapping

Soil Character Code	I	II	HI	IV	V	Vi	VII	VIII
Description	Nonexpanding $011 Nonrocky Surface Well-Drained	Nonexpanding Soil Rocky 3/ Surface Well-Drained	Expanding Soil Nonrocky Surface Well-Drained	Expanding Soil Rocky 31 Surface Well-Drained	Marshy Soil Nonrocky Surface Poorly-Drained	Coral Sands Nonrocky Surface Well-Drained	Coral Sands Rocky 3/ Surface Well-Drained	As Lava Rocky 3/ Surface Well-Drained
General Characteristics	1. Slight expansion and contraction on wetting and drying. 2. Well-drained surface and subsurface, generally suitable for cesspool. 3. Good bearing capacity. Suitable for one-to two-story structures with minor foundation work. 4. Land fill stable when properly compacted. 5. Vertical cuts usually stable.	1. Considerable expansion and contraction on wetting and drying. Cracks as wide (five inches may develop on drying causing shifting and settling. Color on the surface is usually dark gray to black. Sometimes referred to as "adobe". 2. Soil puddles easily, hence surface drainage depends almost entirely on slope. 3. Internal permeability slow, cesspools possible, but questionable. 4. Bearing capacity good if soil is properly insulated to maintain relatively constant moisture content. Under these conditions, generally suitable for one- to two-story structures with minor foundation work. Extensive foundation work probably necessary for multi-story structure depending on depth to consolidated material. 5. Optimum moisture content must be carefully maintained for maximum fill compaction. 6. Cuts usually unstable and will slump after a few wetting and drying cycles. Soil likely to creep downslope after it is disturbed.	1. Ground water at or near the surface. Poorly suited for cesspools, usually close to sea level, hence land fill and/or forced drainage is probably necessary for any extensive development program. 2. Bearing capacity poor. Poorly suited for any structure, although small localized areas precisely have one-story wooden structures. 3. Soils are usually of the expanding type and if drained, will retain those properties. Organic content is usually high and will subside on drying. 4. If adjacent to the ocean, salt in the soil will affect underground utilities. 5. Depth to consolidated material generally 15 feet or more	1. Surface drainage and internal permeability good although the ground water may be relatively close to the surface. Depth to ground water will determine the possibility of cesspools; the greater the depth, the more feasible it is for cesspools. 2. Bearing capacity is good if the sand is properly contained. Suitable for one- to two-story structures with minor foundation work. Extensive foundation work probably necessary for multi-story structures depending on depth to consolidated material; the shallower the depth to consolidated materials, the less foundation preparation required. 3. Hardly any expansion and contraction on wetting and drying.	1. Loose clinkery -- lava rock with virtually no soil material or other binder. 2. No expansion or contraction on wetting and drying. 3. Well-drained, highly porous surface and subsurface. 4. Excellent bearing characteristics. Generally suitable for multi-story structures with minor foundation work. 5. Land fill stable with little or no compaction. 6. Vertical cuts stable. 7. Suitable sole burrow material. 8. Lava tubes (subsurface voids) possible, but not likely unless the as lava flow is underlain by pahoehoe flows at shallow depths. 9. Ground surface usually complex with abrupt ups and downs. 10. Clinkers can be readily pushed by bulldozers to form roads, platforms, etc. 11. The ground surface is usually very rough; consequently, it probably requires smoothening and grading to be made more usable.

Underlying Material Code	C	L	"
Material	Consolidated Coral	Consolidated Lava	Ground Water Seasonly Within 5' of the Surface
Characteristics	1. Often vesicular and cavernous, thus allowing internal drainage. Cesspool possible. 2. More easily fractured than lava. Usually does not require blasting. 3. Thickness depends on the various past stands of the sea; the coral may overlie unconsolidated (soft) material. 4. Bearing characteristics good if thick. 5. Where the coral is hard and at the surface, it may be suitable for coral veneer work in the buildings.	1. Aa and pahoehoe are usually intermixed and were not differentiated in the underlying material. They are differentiated when they occur on the surface. 2. Thick, dense and difficult to fracture. Usually requires blasting. 3. Bearing characteristics excellent. Usually no unconsolidated material beneath. 4. Poor percolation in pahoehoe, thus cesspools may not function satisfactorily.	1. This category identifies areas where the water table may occasionally be within feet of the surface. If the area is adjacent to the it will affect underground utilities.

Survey done on 1132 Ilikala Pl (on canal)

2. We encountered groundwater in our borings at depths of about 9.5 and 9.6 feet below the existing ground surface at the time of our field exploration. However, due to the proximity of the project site to Kawainui Canal, groundwater levels are expected' 'to vary in response to the water level in the canal. In addition, groundwater levels may change due to seasonal precipitation, surface water runoff, and other factors,

3. Based on the results of our laboratory testing, the on-site clayey soils have very high expansjon potential when subjected to moisture fluctuations and are often referred to local.ly as "adobe" clays. These dayey soils tend to swell significantly when exposed to moisture and shrink when dried. Such *soils* are potentially capable of uplifting foundatiuns and slabs, with resulting distress. to the..structures they support. In addition, these oils..can settle significantly if saturated and/or poorly compacted.

4. Based on our sit observations and the res-ults of our field exploration, we anticipate the affected foundations bear directly on the highly expansive clayey surface fill materials and alluvial soils encountered in our borings. In general, we believe the building stmcture is exhibiting signs of distress caused by settlement/heave of the existing building foundations. bearing on the underlying highly expansive clayey sails.

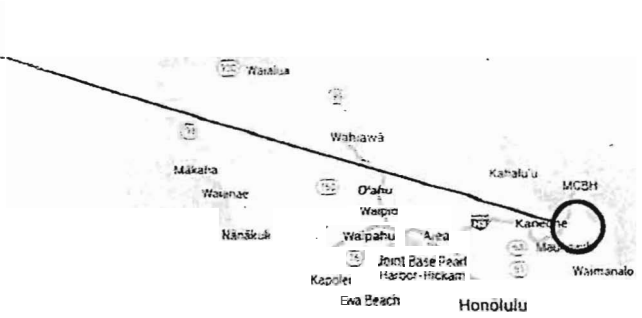
5. We believe the existing distressed foundations can be mitigated and stabilized to a certain level by installing an underpinning system consisting of either helical piers or micropiles. In addition, a chemical injection soil stabilization system, such as CONDOR® Soil Stabilizer, may be considered under the slab to reduce the swelling potential of the underlying highly expansive clayey soils.

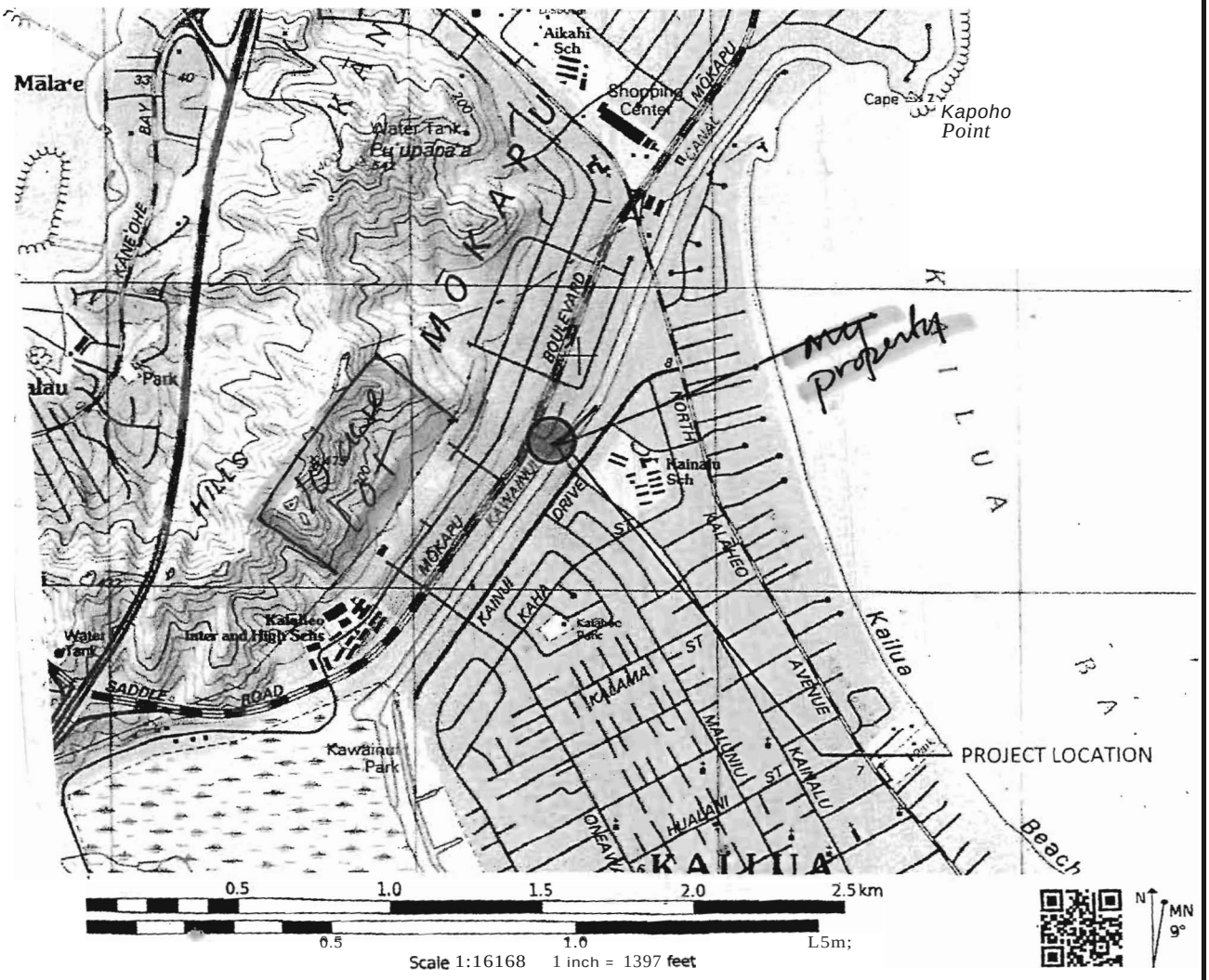
6. We recommend underpinning the most severely affected house foundations at approximately 28 locations. It should be noted that we believe six of these proposed underpin.ning locations may be performed as part of a Phase 1 work plan, while the remaining 22 proposed underpinning locations may be performed as part of a Phase 2 work plan, if desired.

Although the observed distresses were generally limited to the western portion of the bUilding structure, the results of the floor level survey indicate apparent settlement/heave throughout the majority of the building structure. In general, we believe these areas should be monitored for additional signs of distress. Phase 2 work may be performed if additional signs of distress are observed after a monitoring period.

7. We recommend installing Chance® helical piers conforming to Type RD2875.262 [G] 16/14/12 to a minimum depth of 20 feet below the existing ground surface.

AL PROJECT LOCATION





Scale 1:16168 1 inch = 1397 feet

PROJECT IOCATION MAP

DISTRESSED FOUNDATIONS AT MICK RESIDENCE
1132 ILIKALA PLACE
TMK: 4-4-031: 013
KAILUA, OAHU, HAWAII

kua Geotech LLC
oundation Engineering

PROJECT NO.: 081120-00	PLATE
DATE: SEPTEMBER 2020	1

the 1952 Survey was used to get reduced lease → fee prices from Kaneohe Ranch (1980's)

EXAMPLES

Canal Lot

1) Base Price: $3.25 for first 10,000 square feet
$1.62 for allover 10,000 square feet

Example: Assume lot size 12,800 square feet
$3.25 x 10,000 square feet = $32,500
$1.62 x 2,800 square feet = 4,536
Total = $37,036 or $2.89 sq.ft.

2) Soil Condition Discount

$2.65 for first 10,000 square feet
$1.32 for allover 10,000 square feet

Example: Assume lot size 12,800 square feet
$2.65 x 10,000 square feet = $26,500
$1.32 x 2,800 square feet = 3,696
Total $30,196 or $2.36 sq. ft.

3) Difference between examples: $6,840 or $0.53 square foot

Interior Lots

1) Base Price: $2.95 for first 10,000 square feet
$1.47 for all over 10,000 square feet

Examples:

A) Assume lot size of 7,840 square feet
$2.95 x 7,840 = $23,128 or $2.95 square foot

B) Assume lot size of 11,198 square feet
$2.95 x 10,000 $29,500.00
$1.47 x 1,198 = 1;761.06
Total = $31,261.06 or $2.79 square foot

2) Soil Corrdition Discount:

$2.35 for first 10,000 square feet
$1.17 for allover 10,000 square feet

Examples:

A) Assume lot size of 7,840 square feet
$2.35 x 7,840 $18,424 or $2.35 square foot

B) Assume lot size of 11,198 square feet
$2.35 x 10,000 = $23,500.00
$1.17 x 1,198 = 1,401.66
Total = $24,901.66 or $2.22 square foot

KALAHEO HILLSIDE FEE PURCHASE PROPOSAL

1. Base Offer Price:

Price:

1. Canal Lots:

a. $3.25 per square foot for first 10,000 square feet.

b. 1.62¢ per square foot for excess.

2. All Other Lots:

a. $2.95 per square foot for first 10,000 square feet.

b. 1.47¢ per square foot for excess.

2. Deductions,

a. All land areas subject to easements which are open concrete drainage ditches (approximately 59 interior lots affected) would be sold for O.74¢ per square foot.

b. Soil conditions: For lots affected by unstable soil conditions:

1. Deduct $.60 per square foot from square foot price for base lot and $.30 per square foot from price for excess square footage if lessor requires release of claims against lessor for soil conditions.

3. Financing:

a. Only for lots held by Marital Deduction Trust.

b. Minimum 20% down, 5-year term, lS-year amortization, IRS rate plus 1% floating, no prepayment penalty, due-an-sale clause {but home improvement loans allowed).

4. Closing Costs:

Lessee to pay all closing costs.

5. Conveyance by Hawaii Housing Authority Deed but lessor will issue a side letter containing limited warranties of trustees.

KALAHEO HILLSIDE PROPERTY DAMAGE SURVEY

Name: [redacted]

Address: [redacted] ILIANA ST

When did you purchase your land in fee?

2021

Did you apply for and receive a soil condition discount because of instability?

No

Have you received a reduction on your property tax due to structural damage? No

Did you sign a document preventing you from future lawsuits against the seller?

No

Please detail structural and/or land damage on your property (i.e. Cracks in slabs and walls, wall separation, windows and doors that no longer close, sinkholes, etc.) Use other side, if necessary:

2021 - Retaining wall collapse in backyard.
2021 - Sewer line pooling and collapse likely due to settling. $19K repair
previous owner: rerouted kitchen waste lines due to cracking and settling of slab

KALAHEO HILLSIDE PROPERTY DAMAGE SURVEY

Name: [redacted]

Address: [redacted] Kaiwa St Kailua HI

When did you purchase your land in fee?

1990

Did you apply for and receive a soil condition discount because of instability?

No

Have you received a reduction on your property tax due to structural damage? No

Did you sign a document preventing you from future lawsuits against the seller?

No

Please detail structural and/or land damage on your property (i.e. Cracks in slabs and walls, wall separation, windows and doors that no longer close, sinkholes, etc.) Use other side, if necessary:

Foundation cracks

some wall damage

KALAHEO HILLSIDE PROPERTY DAMAGE SURVEY

Name: [redacted]

Add [redacted] Iliiaina St. 808 [redacted]

When did you purchase your land in fee? 2013

Did you apply for and receive a soil condition discount because of instability?
we were not aware of this

Have you received a reduction on your property tax due to structural damage? ~~we~~ were unaware of this

Did you sign a document preventing you from future lawsuits against the seller?
No - unaware

Please detail structural and/or land damage on your property (i.e. Cracks in slabs and walls, wall separation, windows and doors that no longer close, sinkholes, etc.) Use other side, if necessary:

- cracks in back retaining wall
- cracks in home walls
- gate would close some days and be completely off the next. We have had to remove that gate/fence.
- front door get stuck and we are ~~not~~ able to open from inside on some days.
- huge deep cracks on our hillside
- cracks in driveway/carport
- rocks falling out of rock wall b/c of shift

KALAHEO HILLSIDE PROPERTY DAMAGE SURVEY

808-[redacted]

Name [redacted]

Address: [redacted] Iliaina St.

When did you purchase your land in fee?
When it was first offered - ~1981 or so.

Did you apply for and receive a soil condition discount because of instability?
I don't remember.

Have you received a reduction on your property tax due to structural damage? I never applied for any. I don't know.

Did you sign a document preventing you from future lawsuits against the seller?
Don't remember. Bought house in 1979.

Please detail structural and/or land damage on your property (i.e. Cracks in slabs and walls, wall separation, windows and doors that no longer close, sinkholes, etc.) Use other side, if necessary:

Home was renovated in 2019. Contractors found foundation had lifted in the middle ~~^~~ - Whole foundation had to be leveled. Had to inject substance into soil so won't expand + contact under the foundation. Where nothing was injected (outside the house) newer slabs have cracked, rock wall has cracks - Pretty scary. Before the renovation, doors + gates →

askew + gates virtually unusable.
~~Windows & screens were~~
→ Glass doors would get stuck + Sliding come off ~~go~~ track,

5 R

KALAHEO HILLSIDE PROPERTY DAMAGE SURVEY

808- [redacted]

Name: [redacted]

Addr[redacted] Iliaina St, Kailua 96734

When did you purchase your land in fee?
December 2009

Did you apply for and receive a soil condition discount because of instability?
No. Not aware of any such program. No instability or soil concerns identified in home purchase Disclosure Statement

Have you received a reduction on your property tax due to structural damage? No.

Did you sign a document preventing you from future lawsuits against the seller?
No.

Please detail structural and/or land damage on your property (i.e. Cracks in slabs and walls, wall separation, windows and doors that no longer close, sinkholes, etc.) Use other side, if necessary:

Permitted retaining walls constructed in 1994 are failing due to obvious hillside erosion & slippage:

- CMU retaing wall cracks, leaning, and partial failure;
- Two CRM retaing walls separation and leaning;
- ~~Cracking, separation,~~ leaning of concrete stairs & slabs;
- Metal fence posts leaning and slipping downhill.

Recent preliminary quotes from contractors for repair of CMU wall alone are for $30K - $50K, with caution that area is unstable and the same issue will likely occur again.

(over)

4L

Over the past 15 years of living at this address, we frequently inspect the drainage easement bordering our mauka property line. The soils exhibit strong shrink/swell characterics aligning with seasonal dry and wet periods. large cracks appear in the soil when dry and there are indications they connect to subsurface drainage voids. When wet, the soil is very sticky and clayey.

KALAHEO HILLSIDE PROPERTY DAMAGE SURVEY

Name: [redacted]

Addr [redacted] Iliaina

When did you purchase your land in fee?
My Parent purchased the fee - I don't know the amount

Did you apply for and receive a soil condition discount because of instability?
NO

Have you received a reduction on your property tax due to structural damage? No

Did you sign a document preventing you from future lawsuits against the seller?
No

Please detail structural and/or land damage on your property (i.e. Cracks in slabs and walls, wall separation, windows and doors that no longer close, sinkholes, etc.) Use other side, if necessary:

1. front porch is seperating from house
2. Kitchen Floor Tile cracking
3. Walls in back of house have cracks & seperate
4. Patio has major crack & seperation in several places
5. Sliding Glass door no longer works due to house Sagging
6. foundation in back family room is cracked & seperating.

Kitchen Floor

Patio

Patio

Patio

Back yard Sliding

KALAHEO HILLSIDE PROPERTY DAMAGE SURVEY

Name: [redacted]

Address: [redacted] Iliauia St

When did you purchase your land in fee?

May 2017

Did you apply for and receive a soil condition discount because of instability?

NO

Have you received a reduction on your property tax due to structural damage? NO

Did you sign a document preventing you from future lawsuits against the seller?

NO

Please detail structural and/or land damage on your property (i.e. Cracks in slabs and walls, wall separation, windows and doors that no longer close, sinkholes, etc.) Use other side, if necessary:

wall separation from slab - separation around perimeter 1-1.5"

wall cracks

concerned of future construction as hill has coral which could shake & excavation

KALAHEO HILLSIDE PROPERTY DAMAGE SURVEY

Name: [redacted]

Addr [redacted] Iliaina St

When did you purchase your land in fee?
bought 1989 (fee included in purchase)

Did you apply for and receive a soil condition discount because of instability?
no

Have you received a reduction on your property tax due to structural damage? no

Did you sign a document preventing you from future lawsuits against the seller?
no

Please detail structural and/or land damage on your property (i.e. Cracks in slabs and walls, wall separation, windows and doors that no longer close, sinkholes, etc.) Use other side, if necessary:

1988/89 house foundation completely redone prior to our ownership due to cracks

2012 put in retaining wall and it had to be redone in 2019 due to movement

lanai slab continues to crack

interior wall in master has gap in corner

front bay window area sinking

Horrible soil - this hill is back fill of a clay material that will never be settled.

[redacted]

KALAHEO HILLSIDE PROPERTY DAMAGE SURVEY

Name: [redacted]

Address: [redacted] Ilikala Place

When did you purchase your land in fee?

Did you apply for and receive a soil condition discount because of instability?

Have you received a reduction on your property tax due to structural damage? No

Did you sign a document preventing you from future lawsuits against the seller?
No

Please detail structural and/or land damage on your property (i.e. Cracks in slabs and walls, wall separation, windows and doors that no longer close, sinkholes, etc.) Use other side, if necessary:

huge crack in workshop floor. I paid $20,000 in 2016 to stabilize the foundation - It is still moving and I continue to have to repair the walls
crack ~~crack~~ through floor of kitchen and Livingroo
front door won't open
cracks in driveway

KALAHEO HILLSIDE PROPERTY DAMAGE SURVEY

Name: [redacted]

Address: [redacted] Ilikala Place

When did you purchase your land in fee? 1982 bought house 1974

Did you apply for and receive a soil condition discount because of instability?
yes

Have you received a reduction on your property tax due to structural damage? Yes

Did you sign a document preventing you from future lawsuits against the seller?
Yes

Please detail structural and/or land damage on your property (i.e. Cracks in slabs and walls, wall separation, windows and doors that no longer close, sinkholes, etc.) Use other side, if necessary:

Living room walls (2) detached - renovation included repour of slab with dirt base cost $50,000

cracks on driveway

$3000 soil survey (Sustainable Systems) in 2020 revealed unstable clay and running water 9½ feet under property

KALAHEO HILLSIDE PROPERTY DAMAGE SURVEY

Name: [redacted]

[redacted] Ilimano St [redacted]

When did you purchase your land ~~in fee?~~

June 2003

Did you apply for and receive a soil condition discount because of instability?

NO

Have you received a reduction on your property tax due to structural damage? NO

Did you sign a document preventing you from future lawsuits against the seller?

NO

Please detail structural and/or land damage on your property (i.e. Cracks in slabs and walls, wall separation, windows and doors that no longer close, sinkholes, etc.) Use other side, if necessary:

entire front end of slab repoured to make level

replaced sanitary lines

routine cracks in walls

doors don't close over time

in Summer (dry) holes 6" wide in yard

when very rainy = standing water in yard

drainage system overflows

KALAHEO HILLSIDE PROPERTY DAMAGE SURVEY

Name: [redacted]

Address: [redacted] Ilimano St

When did you purchase your land ~~in fee?~~
Jan. 2008

Did you apply for and receive a soil condition discount because of instability?
/

Have you received a reduction on your property tax due to structural damage? /

Did you sign a document preventing you from future lawsuits against the seller?
NO

Please detail structural and/or land damage on your property (i.e. Cracks in slabs and walls, wall separation, windows and doors that no longer close, sinkholes, etc.) Use other side, if necessary:

cracked wall near hill

cracked retaining wall on side

cracks living room wall - keep spreading

severed sewer line (10' down) - emer. rpr $10,000

shifting under Ohana

front driveway surface + house foundation separated by 3"

KALAHEO HILLSIDE PROPERTY DAMAGE SURVEY

Name: [redacted]

Address: [redacted] Iliania St

When did you purchase your land in fee?
May 2017

Did you apply for and receive a soil condition discount because of instability?
NO

Have you received a reduction on your property tax due to structural damage? NO

Did you sign a document preventing you from future lawsuits against the seller?
NO

Please detail structural and/or land damage on your property (i.e. Cracks in slabs and walls, wall separation, windows and doors that no longer close, sinkholes, etc.) Use other side, if necessary:

wall separation from slab - separation around perimeter 1-1.5"

wall cracks

concerned of future construction as hill has coral which could shake & excavation

[redacted]

KALAHEO HILLSIDE PROPERTY DAMAGE SURVEY

~~Name:~~ 400 block Ilimano Street

~~Address:~~ block on street

When did you purchase your land in fee?
1999

Did you apply for and receive a soil condition discount because of instability?
NO

Have you received a reduction on your property tax due to structural damage? NO

Did you sign a document preventing you from future lawsuits against the seller?
NO

Please detail structural and/or land damage on your property (i.e. Cracks in slabs and walls, wall separation, windows and doors that no longer close, sinkholes, etc.) Use other side, if necessary:

- Large crack in slab running the full width of the house, running under both bathrooms causing problems with toilets, leaky bathtub and shower, broken main sewer lines plus other cracks in main slab.

- Drop of 8 inches in floor from one side of house to other, have had to level twice in 25 years, main sewer line doesn't drain and still isn't level
- Had to replace all plumbing lines
- ~~Broken windows, sliding glass door fell out of frame because of foundation sagging and damage. Have had to realign door locks to the frames multiple times. Have had to rebuild window frames and walls multiple times because of foundation problems.~~
- Finally installed 15 micropiles, injected foam under slab and jacked up the foundation, and pumped 5000 gallons of clay stabilizer →

under the house to try to stop the house from shifting so much at a price of $120,000. Then spent another $50,000 fixing the house to where it was liveable again and that doesn't come close to fixing other things like a sagging roof, fences and walls falling over, etc., all because of the problems of having a house and property on clay soil.

Still have a 6 foot high rock wall on my side and 7-8 foot on neighbor's side that is leaning over towards neighbors yard and starting to come apart. It is probably 40-60 feet long and could fall over into neighbors property. The only way to fix it would be tear it down and start over again but don't have the money or time to do that.

The other property lines all have fences that are also falling over because of clay soil that is shifting and moving. Even if one replaces them you can't stop the ground from moving so it is only a matter of time where one has to completely redo the fences again or live with them leaning ~~over~~ and falling over.

COUNCIL for
NATIVE HAWAIIAN
ADVANCEMENT

Council for Native Hawaiian Advancement
91-1270 Kinoiki St., Bldg. 1
Kapolei, HI 96707

Honolulu City Council
Resolution 24-151 – Approving and Authorizing the Conveyance of the Former Kalaheo Elementary School Property to the State of Hawai'i Department of Hawaiian Homelands

RE: Strong support of Kalaheo conveyance to DHHL July 25, 2024

The Council for Native Hawaiian Advancement writes in **strong support** of Resolution 24-151 to convey the Kalaheo site to the Department of Hawaiian Homelands (DHHL). Multiple affordable housing solutions must be a priority to prevent further displacement and outmigration of Native Hawaiian families. It is the responsibility of the State, including the City and County of Honolulu, to take affirmative steps in providing affordable housing, particularly for Hawai'i's indigenous people.

As a Native Hawaiian organization, we deeply understand the importance of land, particularly when there is an ancestral or familial connection to it. For decades, we have seen more and more local families priced out of their generational homes; the most recent census reports more Native Hawaiians living on the continent than remain within our pae 'āina. The outmigration crisis is worsening and the first step to prevent further displacement is to create more available, affordable housing.

Over a hundred years ago, Prince Jonah Kūhiō Kalaniana'ole advocated for the perpetuation and rehabilitation of the Native Hawaiian people and their culture. One of his greatest accomplishments was the Hawaiian Homes Commission Act, enacted to enable the return of Native Hawaiians to their lands and fully support their self-determination. However, the State has failed to adequately meet this responsibility and the waitlist of homestead applications remains a daunting task. The Kalaheo site represents possibility and hope for many of those on the waitlist. At least twenty single-family lots could be developed on the site that would retain the character of the surrounding neighborhood. Particularly under the leadership of Chair Kali Watson, DHHL will be able to expeditiously develop the site and house families as soon as possible. This land transfer is an opportunity to further Prince Kūhiō's vision.

This resolution is supported both by the Office of Housing as well as the Department of Budget and Fiscal Services, who understand the logistical process and potential value of this conveyance. We humbly ask that the Council **SUPPORT RESOLUTION 24-151** and continue their necessary work towards the betterment of the conditions of Native Hawaiians.

Mālama pono,

Madelyn McKeague

Policy Manager, CNHA

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
Ke Kia'āina o ka Moku'āina 'o Hawai'i

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
Ka Hope Kia'āina o ka Moku'āina 'o Hawai'i

KALI WATSON
CHAIRPERSON, HHC
Ka Luna Ho'okele

KATIE L. LAMBERT
DEPUTY TO THE CHAIR
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho'opulapula Hawai'i

P. O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY of KALI WATSON, CHAIRMAN
HAWAIIAN HOMES COMMISSION

Before the
HONOLULU CITY COUNCIL
COMMITTEE ON PLANNING AND THE ECONOMY

Thursday, July 25, 2024
9:00am

In consideration of
PROPOSED CD1 TO RESOLUTION 24-151

Aloha Chair Kia'āina, Vice-Chair Codero, and members of the Committee on Planning and the Economy:

Mahalo to the City Council of the City and County of Honolulu for the opportunity to provide testimony in strong support of the Proposed CD1 to Resolution 24-151 approving and authorizing the conveyance of the former Kalaheo Elementary School property in Kailua, O'ahu, to the State of Hawai'i Department of Hawaiian Home Lands (DHHL), in furtherance of the intent of the Hawaiian Homes Commission Act, 1920, as amended (HHCA) and to honor the legacy of Prince Jonah Kūhiō Kalaniana'ole, which includes his role in establishing the counties of the State of Hawai'i.

This resolution acknowledges that the HHCA, which was later incorporated as a provision in the State of Hawai'i Constitution as a condition of statehood, was intended to provide native Hawaiians with homesteads through leases of residential, pastoral, and agricultural lots and the City is committed to and has a role to further the intent of the HHCA by providing the former Kalaheo Elementary School site in Kailua. DHHL is supportive of this resolution aimed at addressing the goals and objectives set in motion over one hundred years ago.

DHHL appreciates the opportunity the conveyance of this land will provide to native Hawaiian families, and also appreciates the cancellation of drainage easements A, E, F, and V. DHHL can only develop where it has lands. Most of DHHL's land is located on the neighbor islands in rural or more remote locations. The greatest demand (longest

waiting list) is for residential property on Oʻahu. Yet, DHHL has the least amount of land holdings on Oʻahu. Furthermore, the DHHL Beneficiaries Study Applicant Report, 2020 reflected not only that areas on Oʻahu are the most desired, but specifically the Koʻolauloa and Koʻolaupoko region on Oʻahu is identified as the most preferred location on Oʻahu.

The proposed CD1 clarifies that the City's intent is to convey the ~10.038 acre site, except for portions of the property to be designated as roadways that the City will retain ownership. DHHL and its consultants are awaiting approval of a Right of Entry from the City to conduct soil studies and preliminary engineering as part of the due diligence process, with the goal of providing single family homes on 7,500 square foot lots consistent with the property's surrounding neighborhood.

Therefore, we heartily support this Proposed CD1 to Resolution 24-151.

Ralph Schroeder
Jana Schroeder
Owners, 603 Ilimano Street Kailua, Hawaii 96734

July 24, 2024

To: City Counsel
Vice Chair, Esther Kai'aina
CC: Mr. Jaren McCartney, Mr. Bill Hicks, Irene Limos

Re: Resolution 24-151, Proposed Kalaheo Hillside 10 acre site Transfer to DHHL

This letter is to inform you of our disapproval of the proposed transfer of land & possible development. We are very familiar with the Kalaheo Hillside having owned our home in this area since 2004. Jana has extensive knowledge on real estate/land issues having been a realtor associate in Hawaii for over 25 years. Our concerns are based on numerous substantive factors outlined below:

1. Soil condition – the soil and ground condition on this hillside is subject to ongoing severe movement/settlement issues. This makes development untenable and introduces risks of foundational instability resulting in damage to structures, pavements, and retaining walls. New developments and required infrastructure can also increase risk of additional structural damage to existing nearby homes. These issues often occur years after development. Examples of this is the development by Kaiser Development (aka KACOR) of Hillside properties in Kalama Valley. Other examples of landslide issues are in Manoa Valley, Oahu. See links below.

USGS Landslide Susceptibility Maps and Data (Oahu). Kalaheo Hillside is included in those areas that are Susceptible to landslides.

Preliminary Landslide Susceptibility Maps and Data for Hawaii | U.S. Geological Survey (usgs.gov)
Soil engineer reports on Kalama Valley Parcels.
Compaction report -- Kalama Valley Subdivision, Unit 6-B-1, Hawaii Kai, Hawaii
If you click on Collections then Oahu can see other sites soil tested.

Article below on Manoa Landslide by USGS.
Geology, hydrology, and mechanics of a slow-moving, clay-rich landslide, Honolulu, Hawaii | U.S. Geological Survey (usgs.gov)

2. Environmental/sustainability – Development of lands in the form of housing with the associated harmful carbon footprint is further contributing to dangerous climate change. If there is sincere concern for climate/environmental impact then this development will not move forward. A more favorable solution would be setting aside this land for native gardens, parks or other climate friendly solutions.

Sincerely,

Ralph & Jana Schroeder

July 24, 2024

Subject: Written Testimony of David S. Pound to the Committee for Planning and the Economy (P&E) July 25, 2024, meeting concerning City Council Resolution 24-151 (Conveyance of Kalaheo Hillside Parcel [Tax Map Key 4-4-033:018] to the Hawai'i Department of Hawaiian Home Lands [DHHL]).

1) **First and foremost** – the community's expressed concerns over the impacts and risks posed by the potential development of the Kalaheo Hillside parcel (the "Site") are **not** a NIMBY issue nor reflect any objections **whatsoever** to rightfully seeking the provision of lands for homesteads or agricultural purposes for Native Hawaiians.

    - The community's testimony continues to reflect our sincere concerns about State and City resource stewardship and governmental process transparency. We, the homeowners, citizens, and District 3 constituents, want to ensure Resolution 24-151 – and any actions resulting from the approval of such a Resolution, e.g., residential development of the Site – "do no harm" (intentionally or unintentionally) in the rightful pursuit of "doing good" for Native Hawaiians.

2) **Requested Action by the P&E Committee.** Any final version of Resolution 24-151 (hereinafter, "the Resolution") must *explicitly state* that the City *will not convey* the Site to DHHL until DHHL has completed a thorough geologic and urban infrastructure survey and an availably, suitability, and impact study. Further, DHHL must provide these reports to the public with sufficient time for review, comment, and testimony. *Only then* should the P&E Committee begin consideration of a Resolution, and its recommendation for the full City Council's approval and subsequent conveyance of the Site to DHHL. Lastly, in any proposed Resolution, the City *must clearly articulate and specify* that DHHL acknowledge (in writing) their inherent responsibility to assume the entirety of the City's current responsibilities and liabilities for the Site as part of the land's conveyance.

3) **Context and Discussion Concerning the Resolution**. As currently written, the Resolution is replete with cultural and historical citations justifying the rapid actions proposed by the Resolution. However, the Resolution is *significantly lacking* the inclusion of substantive, meaningful provisions to assure and protect the homeowners, associated properties (homes), and residents in the proposed conveyance of the site, and the impact and risks posed by any residential development by DHHL to the same.

    - What perhaps is most troubling is that many Community members have attempted to directly communicate these concerns *with supporting documentation* to Ms. Kia'āina via oral testimony presented during two Kailua Neighborhood Board meetings (June and July), in-person meetings, and multiple attempts by email or telephonic communications – most of which have never been acknowledged. In reading the proposed amendments to the Resolution, there are ***none*** that support the Hillside homeowners' and residents' expressed concerns – instead, just that the City's will retain any roads created in the development of the Site while divesting (canceling) four (4) drainage easements.

- Constituent homeowner and resident concerns are further exacerbated by the manner by which most learned of the Resolution. For some, it was the presence of local TV reporters literally walking along the periphery of the Site seeking video to accompany their evening news reports on the matter just a day after it was announced. For others, it was a long and detailed Opinion/Editorial in the *Honolulu Star Advertiser* – published the morning following the Resolution's announcement; still others found out via an internet story posted at the Honolulu Civil Beat's website (https://www.civilbeat.org/2024/06/honolulu-city-council-proposes-kailua-land-sale-for-hawaiian-homelands/).

- Two days following the Resolution's announcement, Ms. Kiaʻāina briefly discussed her proposed Resolution at the June 6, 2024 Kailua Neighborhood Board (KNB). With only a two-day "notice" and no previous discussion or notice of intent provided by Ms. Kiaʻāina to the Hillside community or KNB, there were obviously few residents present at June's KNB and fewer still with sufficient knowledge to express their concerns over the Resolution to the KNB and Ms. Kiaʻāina.

- During a June 19, 2024 "walk about" along the Site and the 600-block of Iliaina Street – Ms. Kiaʻāina and an office assistant provided some Hillside residents with a two-page hand-out containing some details of her Resolution and the survey process, which only created more questions and concerns for Hillside homeowners and residents.

- During the July 11, 2024 KNB, more Kalaheo Hillside homeowners and residents voiced their significant concerns to the KNB, and requested the KNB draft a motion and letter of concern to the P&E committee. Unfortunately, the KNB cannot approve any motion until the next scheduled KNB meeting (August 1, 2024) occurring after the July 25, 2024 P&E Committee meeting. Additionally, during July's KNB, Ms. Kiaʻāina was only present via Zoom, and either did not observe/hear the oral testimony concerning her Resolution, or chose not to respond. She did provide very brief comments concerning the Resolution and amendments, and responded to one question.

- Unfortunately, the resulting perception of most within the Hillside community is that Ms. Kiaʻāina – the co-author of the Resolution, and perhaps not coincidentally, the Chair for the City Council's P&E committee – appears to be "fast tracking" the Resolution for full City Council's approval prior to the November 2024 general elections. In fact, Ms. Kiaʻāina has made such actions a significant issue and stated achievement comprising her re-election campaign. (See: https://onyourballot.vote411.org/candidate-detail.do?id=68574170#c26847420&ui-state=dialog)

4) **Therefore**, it is more than prudent for the homeowners and residents of Kalaheo Hillside to provide their detailed observations and significant concerns regarding the proposed Resolution and the current amendments offered by Ms. Kiaʻāina.

5) **Primary Concern.** *There are no specified requirements in the Resolution for DHHL to conduct and complete a detailed and thorough soil and physical infrastructure analysis* ***before any City consideration of a conveyance of City lands to DHHL***. The Resolution's wording makes it appear that the City desires to convey the lands BEFORE the completion of any Preliminary Engineering Report (PER) or conduct of necessary Urban Management Assessments. Again,

language must be added to any final Resolution that expressly states the City **will not convey** the Site to DHHL until they conduct a thorough geologic and infrastructure survey, provide these reports to the public with sufficient time for review, and fully acknowledges (in writing) DHHL's inherent responsibility to assume **all** the City's current responsibilities and liabilities for the land Site as part of any lands conveyance.

- Principal Related Matter – Significant soil instability within the Site. The "soil" along Kalaheo Hillside is primarily *Kokokahi* clay. Its inherent instability and the resultant level of physical infrastructure damage, and resulting monetary impact to existing homeowners and residents on Kalaheo Hillside resulting from the soil's instability and ever-shifting land mass **are significant**.[1] Hillside homeowners, particularly those downhill from the Site along the 600-block of Iliaina Street, whose lands and property will be placed at significant risk from increased soil shifting should the limited, shallow-rooted grasses and Koa-Hale trees be scraped away as part of the Site's development. The City's canceling and absolving itself of the four (4) drainage easements would only exacerbate storm water runoff issues, compounding soil instability issues.

  - The incredibly poor soil conditions and lack of soil stability within the Site is a historically established fact. These facts are documented in multiple soil surveys and the current and historical evidence of homeowner "settlement" issues going back to the establishment of the Hillside home parcels in the 1950s.[2]

  - In more recent history, and within the last decade, there have been two attempts made by the City to sell the Site to a commercial developer – both of which failed due to the excessive costs to establish supporting infrastructure (water, sewer, storm water drainage, electrical) exacerbated by the Site's significant soil instability.

6) **Other Significant Areas of Concern**. During both the June 6, 2024 KNB, and her subsequent "walk about" along Kalaheo Hillside on June 19, 2024, Ms. Kia'āina *reiterated that the DHHL did not plan to build multi-family buildings on the site to ensure it remained in keeping with the character of the surrounding neighborhood* (e.g., single-family homes). She further stated that while there were estimates that between 35 to 60 homes that could eventually be built, exactly how many housing lots would be created [by DHHL] could be dependent on a number of "factors."

   - *Comparative Parcel Sizes*. Examination of the existing parcel sizes via the C&C Department of Budgeting and Financial Services (BFS) Graphic Information Site (GIS) (https://cchnl.maps.arcgis.com/home/index.html) indicates land parcels along the 600-block of Iliaina Street, and throughout most of the Kalaheo Hillside, are approximately 10,000 ft^2 in size. Mirroring the parcel footprint fronting the Site along Iliaina Street and replicating it upslope on the Site indicates there are approximately 27, 10,000 ft^2 similarly sized parcels that could possibly be developed on the Site. (*See Figure 1.)*

[1] See the submitted testimony of Ms. Judy Mick, which includes a 1952 "*Soil Conservation Study of the Territory of Hawai'i"* conducted by the United States Department of Agriculture describing the Kokokahi clay soils in detail.
[2] See the submitted testimony of Ms. Judy Mick which includes Hillside Residents statements concerning the soil instability impact on their homes and monetary expenditures to conduct soil survey and property repairs.

- The Resolution currently provides no specified zoning or deed restrictions from the City to DHHL upon conveyance that would protect against future over development of the Site (*e.g., rezoning to R-10 vs. current R-7.5; no duplexes allowed, etc.*). The City should protect current homeowners and Hillside residents from any developer "*stuffing*" the maximum number of dwellings into the Site's parcels, or further sub-dividing parcels, resulting in a homestead completely inconsistent with the existing nature of the long-standing, single-family homes, further exacerbating the impact to an already overburdened physical infrastructure network, and precipitating the further deterioration of the soil conditions on the Site.

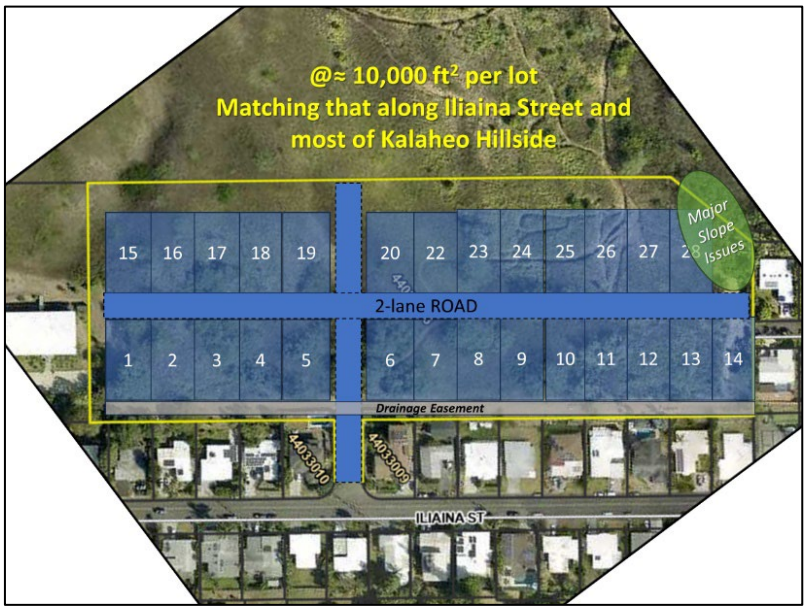


Figure 1. Comparative Development of Kalaheo Hillside

- While possibly outdated, the *existing R-7.5 zoning allows for duplexes on smaller (7000 ft²) lots* – meaning DHHL could potentially subdivide each 10,000-ft² sub-parcel into ~50 x 5,000 ft² lots that could also include additions like accessory dwelling units (ADU). Expressed community concerns over the negative implications surrounding such an outcome are not reflected in the Resolution's amendments, and specified development restrictions must be included in the Resolution to prevent such an outcome.

- *Insufficient Supporting Physical Infrastructure*. During a press conference regarding the Resolution introduction, Ms. Kia'āina stated that exactly how many housing lots DHHL might create on the Site could be dependent on a number of factors including *sewer capacity*, the availability of *potable water*, and *traffic* and *drainage* issues that DHHL would need to address. Disappointingly, there are specifications within the Resolution or its proposed amendments for DHHL or the City to consult existing, or develop a new, Urban Management Plan(s) for assessing the essential physical infrastructure. The following paragraphs will address these issues.

  - Land Suitability and Infrastructure Availability. The Resolution, and Ms. Kia'āina's June 19, 2024, information paper, indicate that a "*suitability*" and infrastructure "*availability*" assessment for the land will be provided as part of the PER. Hence, the final Resolution must specify that "*suitability*" and "*availability*" assessments must include the conduct of traffic surveys, neighborhood density surveys, sanitary sewer impacts, stormwater runoff impacts, etc., in order to fully assess the *impact* and *sustainability* of a residential development, and document the assessed impacts of increased physical and human infrastructure to an existing and established, already population-"dense", suburban, single-family home neighborhood.

- Storm Water Runoff. It appears significantly self-serving that an amendment to the Resolution indicates the City will retain the ownership of any developed roadways within the Site – *but abandon/cancel its responsibility for the 4 existing Drainage Easements (A, E, F, and V)* to the homeowners bordering the Site. This oversite now requires these homeowners to maintain and upkeep these drainage easements, which if not accomplished, risks aggravating the existing unstable soil conditions along the Hillside. The Easement provision must be stricken from the final Resolution or explicitly transferred to DHHL in the Resolution and immediately assumed upon conveyance of the Site.

- Wastewater Treatment Facility Capacity. From January 1, 2024 to July 21, 2024, there have been four (4) brown water alerts issued concerning brown water/waste water "Exceedance of daily maximum permitted fecal indicator bacteria level" reports from the Kailua Regional Wastewater Treatment Plant. (*See Figure 2*, source: https://eha-cloud.doh.hawaii.gov/cwb/#!/landing). The Resolution must proscribe the study of the impacts of any residential development on to the Kailua Regional Wastewater Treatment Plant that is currently experiencing a labor shortage of over 30 personnel. The Resolution must specify *DHHL's conduct of a wastewater impact assessment as a precondition to the Site's conveyance*.

Permit Exceedance	Exceedance of daily maximum permitted fecal indicator bacteria level in Kailua Regional Wastewater Treatment Plant, Oahu	O'ahu	Jul 12, 2024	Jul 19, 2024	Canceled
Permit Exceedance	Exceedance of daily maximum permitted fecal indicator bacteria level in Kailua Regional Wastewater Treatment Plant, O'ahu	O'ahu	Jun 21, 2024	Jun 24, 2024	Canceled
Permit Exceedance	Exceedance of daily maximum permitted fecal indicator bacteria level at Kailua Regional Wastewater Treatment Plant, O'ahu	O'ahu	Jun 1, 2024	Jun 4, 2024	Canceled
Permit Exceedance	Exceedance of daily maximum permitted fecal indicator bacteria level at Kailua Regional Wastewater Treatment Plant, O'ahu	O'ahu	May 15, 2024	May 23, 2024	Canceled
Permit Exceedance	Unpermitted Wastewater Discharge at Kailua Regional Wastewater Treatment Plant, O'ahu	O'ahu	Apr 28, 2023	May 8, 2023	Canceled
Sewage Spill	Wastewater Discharge exceeding permitted fecal indicator bacteria levels at Kailua Regional Wastewater Treatment Plant ocean outfall, O'ahu	O'ahu	Apr 9, 2023	Apr 11, 2023	Canceled
Sewage Spill	Wastewater Discharge at Kailua Regional Wastewater Treatment Ocean Outfall, O'ahu	O'ahu	Feb 26, 2021	Mar 5, 2021	Canceled

Figure 2. Brown water Alerts - Kailua Regional Wastewater Treatment Plant

- "Reduction of the City's Liability and Maintenance Costs for the Site." By "reduction," the Resolution certainly means abandonment and elimination. From personal observation over 21 years as a resident on the Kalaheo hillside, there is little "maintenance" performed on the Site. C&C crews infrequently check the ditches and drainage easements only when significant rain or storms are due, and firebreak maintenance ("weed whacking") is episodic at best. Hence, any "cost savings" the City would realize are likely minimal aside from potential liability costs resulting from negligence in performing these maintenance costs (e.g., firebreaks). What is most concerning is that there are no stipulations or requirements within the Resolution requiring DHHL, upon conveyance, to perform these essential maintenance and upkeep tasks. However sporadically and episodically the City has historically executed these tasks, the City should not now passively slough these off to homeowners with properties bordering the Site. Else, by who, and how, will DHHL (an unelected body) be held accountable for failure to perform these tasks and mitigate related liabilities (e.g., fire breaks)?

- *Content and Extent of the Preliminary Engineering Report (PER)*. The information paper provided to some Hillside residents during Ms. Kia'āina's June 19, 2024 walk-thru, mentioned a survey to be conducted by R.M. Towill that will inform a PER regarding multiple aspects of

the Site. Questions concerning the survey, and critical components for what should be conducted as part of R.M. Towill's survey include:

- When is the expected start date for the survey(ies)? When does R.M. Towill expect it to be completed?

- Does the P&E Committee assess the PER will be complete prior to the final committee hearing in August 2024 and any subsequent full city council hearing? [Note: I assess this outcome is highly unlikely given the timelines provided in Ms. Kiaʻāina's information paper.]

- The information paper provided by Ms. Kiaʻāina also indicates that R.M. Towill will *". . . take a total of four 20-foot core samples for analysis."* What was R.M. Towill's decision criteria for only drawing 4 core samples?

  - Most on-line examples of commercial core samplers indicate a ~3-4" in diameter. A simple assessment using 4 x ~3-4" holes over 10 acres indicate: 10 acres = 435,600 ft2 | 1x 4" core sample = .09 ft2 | (.09 X 4)/435,600) X 100 = *.00008% of the Site*.

  - The Oahu-based civil and geological engineering firms contacted by Hillside residents concerning engineering/geological surveys and core sampling across a large 10-acre plot *strongly expressed* that 4 samples were woefully insufficient – regardless the sample depth – to judge the suitability of soils *across the entire 10-acre Site* and for the certain scale of the proposed development.

- Should the PER indicate the Site "unsuitable" or questionable for development – will the Council *still* recommend the City "gift" the Site to DHHL?

7) **Future Indemnity**. Ultimately, if City conveys the Site to DHHL, how will land and property / homeowners hold DHHL responsible for their (in)actions as the new Site land owner or that result from DHHL's development and construction? DHHL is an unelected body – with very little accountability to the residents and constituents along Kalaheo Hillside. Unfortunately, the current Resolution provides no city/county protections and no other recourse or remedy aside from costly litigation for damages resulting from the City's conveyance of the property and DHHL's potential construction and development of the Site.

8) **Summary**. Detailed and sufficient answers to relatively simple questions must be provided. Specific language must be included in the final Resolution to alleviate the rational and logical concerns of existing homeowners and residents along the Hillside.

Respectfully Submitted,

David S. Pound
605 Ilimano Street
Kailua, Hawai'i

TO: Committee for Planning and the Economy (P&E) Meeting, July 25, 2024,

FROM: Kyle Smith, 604 Ilimano Street, Kailua HI 96734

RE: Written Testimony of Kyle Smith in OPPOSITION TO City Council Resolution 24-151

DATE: July 23, 2024

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1. I am over eighteen, competent to testify to the following matters, and make this declaration in opposition to City Council Resolution 24-151 (Conveyance of Kalaheo Hillside Parcel (Tax Map Key 4-4-033:018) to the Hawaii Department of Hawaiian Home Lands [DHHL]) due to the numerous unanswered questions of
2. I live at 604 Ilimano Street, Kailua and I am a resident of Kalaheo Hillside.
3. I have no opposition to a Hawaiian Homelands community within Kailua or Kalaheo Hillside so long as it is thoughtfully planned. Good intentions, however, do not excuse a bad plan. In particular, I am deeply concerned about the lack of transparency in the roll-out of City Council Resolution 24-151 and lack of good faith discussion by its sponsors with my neighbors.
4. As has been repeatedly noted, Kalaheo Hillside has substantial concerns regarding soils, wastewater treatment, traffic, fire, and run-off related to the proposed transfer. Despite these concerns, there has been little to no attempt to address residents questions.
5. For example, my family has spent tens of thousands of dollars because of expansive clay soils that have caused substantial cracking of foundations, walls, and ceilings in addition to adverse impacts on our windows, doors, etc. Because of the historic problem of expansive soils on Kalaheo Hillside, it is my understanding R.M. Towill intends to conduct a Preliminary Engineering Report (PER) for the City to assess the suitability of the site for future development. While the community as raised questions about the timing, scope of work, and significance of the PER, no response has been provided.
6. Similarly, Kalaheo Hillside has a long history of significant rainfall and flooding. HRS § 46-11.5 recognizes that "each county shall provide for the maintenance of channels, streambeds, streambanks, and drainageways, whether natural or artificial, including their exits to the ocean, **in suitable condition to carry off storm waters**; and for the removal from the channels, streambeds, streambanks, and drainageways and from the shores and beaches any debris **which is likely to create an unsanitary condition or otherwise become a public nuisance**[.]"[1] To date, maintenance of the adjacent stormwater channel near our home has been carried out by City personnel. Will this maintenance continue and how will it be handled under the proposed transfer are additional questions that have not been addressed.
7. These examples are neither exclusive nor limited to a few homes. Rather, the entire Kalaheo Hillside has an interest in making sure that future development is thoughtfully carried out rather than treated as a political plank. This begins with working with residents to address valid concerns. Accordingly, because there has been little to no good faith effort to date by the sponsors of this resolution to work with the neighborhood to make sure transfer is in the best interest of the community and DHHL, I respectfully OPPOSE Resolution 24-151.

Sincerely,

Kyle Smith

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[1] HAW. REV. STAT. § 46-11.5.

I oppose the idea of placing families in the Kalaheo Hillside area under the current conditions. The recent water main break on Mokapu Boulevard in Kailua, which led to extensive flooding, serves as a stark and eye-opening reminder of the city's inability to maintain its current infrastructure. The flooding has not only disrupted daily life but has also brought to light the dire state of infrastructure in the area. Vehicles wade through knee-deep waters, and residents are left questioning the city's ability to maintain essential services. This incident, though alarming, is just one example of a broader, more concerning issue: the city's chronic neglect of infrastructure maintenance, which poses severe risks to the safety and well-being of its residents.

In the nearby Kalaheo Hillside area, the consequences of this neglect are starkly visible. Properties are marred by structural damages, including cracks in slabs and walls, wall separation, and doors and windows that no longer close properly. These signs of distress are compounded by the formation of sinkholes, indicating severe soil stability problems. The images of the sewer structure tell a similar story: significant gaps under the concrete foundation, visible cracks, and erosion—all signs of prolonged neglect and insufficient maintenance. The shifting foundation of the sewer system poses substantial risks, including the potential for collapse, accidents, and environmental contamination due to sewage leaks.

The city's approach to infrastructure maintenance has been reactive rather than proactive. The requirement for residents to fill out property damage surveys highlights an awareness of these widespread issues, yet there has been a significant delay in addressing them. The yellow paint markings on the sewer covers, which likely indicate prior inspections, have not been followed by necessary repairs. This negligence is not only a failure in governance but also a betrayal of the city's duty to ensure the safety and health of its residents.

Amidst these challenges, the city is moving forward with plans to develop the Kalaheo Hillside area into single-family homes for native Hawaiian beneficiaries. This development, intended to honor the heritage and rights of indigenous Hawaiians, is undeniably noble. However, the current state of infrastructure raises serious questions about the safety of such an endeavor. If the city cannot adequately maintain existing infrastructure, how can it justify placing indigenous Hawaiian families in potentially hazardous conditions?

The planned development has not undergone a National Environmental Policy Act (NEPA) review or an Environmental Impact Study (EIS), critical processes that assess the potential effects of proposed actions on the environment and human health. Without these studies, there is no comprehensive understanding of the risks posed by soil instability, flooding, and other environmental factors. The indigenous Hawaiian community, who have historically faced marginalization and displacement, deserve better. They deserve safe, stable homes built on land that has been thoroughly evaluated for environmental and structural integrity.

The recent water main break and the visible infrastructure damage in Kalaheo Hillside underscore the urgent need for a more rigorous approach. Comprehensive inspections and immediate repairs are essential to stabilize foundations, fix cracks, and upgrade electrical systems to modern standards. A preventive maintenance plan must be developed and implemented to regularly monitor and address infrastructure issues proactively. This should include routine inspections of both structural and electrical systems to prevent future hazards.

Furthermore, the city must engage with the community to keep them informed about actions being taken and provide clear channels for reporting concerns. Involving residents in monitoring infrastructure will enhance safety and ensure timely interventions. Addressing the root causes of the recent flooding, such as improving drainage systems and ensuring regular maintenance of water infrastructure, is also crucial.

Most importantly, before any development proceeds, a NEPA review and EIS must be conducted. These studies will provide a comprehensive assessment of the environmental and health impacts of the proposed development, ensuring that the indigenous Hawaiian community is not subjected to the same risks currently faced by residents in Kalaheo Hillside.

The city can't merely give up the land and transfer the neglect and responsibility to the builder, then call it a monumental improvement to making progress. The indigenous Hawaiian community has faced historical marginalization and deserves more than to be placed in a location that has not been properly vetted for safety and sustainability. Ensuring all necessary environmental and structural assessments are conducted and addressing existing infrastructure issues will honor the city's commitment to its residents and the legacy of the native Hawaiian community. This is not merely a matter of governance—it is a matter of justice and respect for a community that deserves the best that Kailua has to offer.

Written Testimony of LeGrand E. Pound – 24 July 2024

1. I do not support Resolution 24-151 (the "Resolution") and the development of the Kalaheo Hillside parcel (the "Site").

2. Principally, the Resolution does not provide sufficient safeguards to protect the existing landowners and residents along the Site from the impacts resulting from the development of the Site up-slope from the 600-block of Ilianina Street.

3. Simply put – the soil on the Site is inherently and incredibly unstable. Since the neighborhood was first developed in the mid-1950s, homeowners' properties continue to suffer significant damage resulting from unstable composition of the soils on the land where their homes are built. This will only be magnified with the development of the Site.

4. There are multiple studies and surveys concerning these soils spanning 7 decades.

    a. The earliest – a very comprehensive study conducted in 1952 by the U.S. Department of Agriculture in cooperation with the Territory of Hawai'i Agriculture Experiment Station – describes the unstable nature of the soil along Kalaheo Hillside in great detail:

        i. Page 73 of the study indicates that the *Kokokani* clay soil is: *". . . sticky and plastic when wet, and they crack widely upon drying . . . Permeability is slow to moderately slow . . . The shrink-swell potential is high.*"

        ii. An unnumbered page further indicates: "*When it dries, the soil cracks into huge blocks a foot or more across. When it is wet, no evidence of these blocks remain*."

        iii. There is also a table in the report that indicates: "*Cuts usually unstable and will slump after a few wetting and drying cycles. Soil likely to creep downslope after it is disturbed*."

        iv. To summarize this study – the soil on the site is highly unstable; rainy seasons cause the clay to swell; dry seasons cause the clay to shrink significantly. The soils are not permeable – and will tend to run off. Finally, any cuts into the soils are "*unusually unstable*," "*slump*" (in geology, downward intermittent movement) after several seasons of rain and dry cycles.

        v. Most disturbing is the 1952 study's finding that the soil is *"Cuts usually unstable and will slump . . . Soil likely to creep downslope after it is disturbed*."

        vi. Unfortunately – the 1950s developer of homes along Kalaheo Hillside (Kaneohe Ranch) did not disclose the findings of the 1952 study to homebuyers. However, in the early 1980s when properties were being transferred from "Lease-Hold" to "Fee Simple," Hillside residents had discovered the 1952 soil study and presented the evidence of negligence to Kaneohe Ranch, who quietly negotiated significant

discounts to the Lease-Hold" property owners to prevent the inevitable lawsuits and negative press against Kaneohe Ranch.[1]

b. A more recent 2020 study conducted by Kokua Geotech, LLC, and financed by a home owner further corroborates the findings of the 1952 study. This study indicates the following:

   i. *"Based on the results of our laboratory testing, soils very high expansion potential when subjected to moisture fluctuations and are often referred to locally as "adobe" clays. These clayey soils tend to swell significantly when exposed to moisture and shrink when dried. Such soils are potentially capable of uplifting of foundations and slabs with resulting distress to the structures they support. In addition, these soils can settle significantly if saturated and/or poorly compacted.*

   ii. *Based on our observations and the results of our field exploration, we anticipate the affected foundations bear directly on expansive clayey surface fill materials and alluvial soils . . . [the home's distressed infrastructure is] caused the settlement/heave of the existing building foundations bearing on the underlying highly expansive clayey sails."*

c. Most recently, residents of the Kalaheo Hillside community have conducted our own informal survey over the past 60 days since the announcement of this Resolution in June of 2024 to capture the current magnitude of the damage that has occurred to our neighbors' homes and property.[2] Bottom line, and as expected – the impact of the soil instability remains widespread and devastating. Homeowners are currently paying upward of $50,000 to $170,000 to shore up and repair their homes, moss-rock walls, and underground utility connections (water, sewer lines) as a result of the constantly shifting soils along the Site, and the Kalaheo Hillside as a whole.

d. History is a great teacher, and the preceeding is exactly will occur with the disturbance on the soil on the sites resulting from the extensive physical infrastructure development required to establish a homestead on the Site (e.g., roads, stormwater runoff, sanitary sewer lines, potable water supply, etc., etc.). It should be blindingly obvious that any major construction on the Site will create significant risks to both the existing homes and new homes being built.

e. Geotech firms contacted informally by Hillside residents strongly advised homeowners to conduct soil analysis on their properties stating that whomever conducts the Site's survey, and recommends DHHL development can be held financially liable when the inevitable soil shifting begins. Other firms anonymously cautioned us that some Oahu-based geoengineering firms and civil engineers will deliver the results the customer wants, not what they study indicates.

[1] See written testimony of Judy Mick for a detailed listing of discounts offered by Kaneohe Ranch.

[2] See the written testimony of Judy Mick which contains the result of this informal survey of Kalaheo Hillside residents and homeowners. You will see photographic documentation of the damages in Ms. Mick's written testimony.

5. To summarize my issues with the Resolution:

    a. Principally, historical geologic and engineering studies accurately describe the **known and established** risks to existing homes, land parcels, and residents down slope along Kalaheo Hillside – the exact conditions the proposed Site for development along the 600-block of Iliaina Street.

    b. Secondarily, the lack of water permeability of the clay soil indicates stormwater runoff riak and absolutely necessitates the maintenance and sustainment of the drainage easements that the Resolution cancels, and passes off to the homeowners and residents,

    c. Thirdly – does anyone really assess that 4 core samples from across a 10-acre parcel will provide sufficient evidence to DHHL to accept this parcel, and assume the inherent sustainment of the parcel (e.g., firebreaks, drainage easements) from the City?

    d. Fourth – the City must require and stipulate in the Resolution the conduct of a detailed civil and geological survey whose results are provided to the public for review, study, and comment **BEFORE** any decision is made by the City to convey the Site to DHHL. DHHL needs to know the junk land they are getting, and the City should not be looking to "dump" this property off on DHHL in the name of helping Native Hawaiian obtain homestead lands.

6. On the following pages provide summaries of some of the informal feedback provided by current Kalaheo Hillside homeowners, principally along Iliaina Street. They have asked that their names and specific addresses be excluded for their privacy.

Summary of Informal Homeowner Survey on Kalaheo Hillside – June-July 2024

600 block of Ilimano Street

- Cracked wall near hill, cracked retaining wall on side of house, cracks living room wall – keeps spreading. Severed sewer line (10' down) emergency repair $10,000
- Shifting foundation under Ohana
- Front driveway surface and house foundation separated by 3 feet

600 block of Ilimano street

- Entire front end of slab repoured to make level, replaced sanitary lines, routine cracks in walls, doors don't close over time.
- In summer (dry) holes wide in yard. When very rainy ➔ standing water in yard.
- Drainage system overflow and floods house when very rainy

400 block Ilimano Steet

- Large crack in slab running the full width of the house, running under both bathrooms causing problems with toilets, leaky bathtub and shower, broken main sewer lines plus other cracks in main slab.
- Drop of 8 inches in floor from one side of house to another, have had to level twice in 25 years, main sewer line doesn't drain. Had to replace all plumbing lines.
- Broken windows, sliding glass door fell out of frame because of foundation sagging and damage. Have had to realign door locks to the frame's multiple times. Have had to rebuild window frames and walls multiple times because of foundation problems.
- Installed 15 micro piles, injected foam under slab and jacked up the foundation and pumped 5000 gallons of clay stabilizer under the house to try to stop the house from shifting so much $2120,000. Then spent another $50,000 fixing the house to where it is live able again and that don't come close to fixing other things like a sagging roof, fences and walls falling over, etc. all because of the problems of having a house and property on clay soil.
- Still have a 6-foot-high rock wall on my side and 7-8 foot on neighbor's side that is leaning over toward neighbor's yard and starting to come apart. It is probable 40-60 feet long and could fall over into neighbor's property. The lonely way to fix it would be tear it down and start over again but don't have the money or time to do right now
- The other property lines all have fences that are also falling over because of clay soil that is shifting and moving. Even if one replaces them, you can't stop the ground from moving so it is only a matter of time where one has to completely redo the fences gain or live with them leaning and falling over.

1000 block of Ilikala Place

- Living room walls (2) detached, renovation included repour of slab with firt base cost $50,000. Cracks in diveway.
- $3000soil survey (sustainable systems) in 2020 revealed unstable clay and running water 9.5 feet under property.

1000 block Ilikala Place

- Huge crack I workshop floor. I paid $20,000 in 2016 to stabilize the foundation – it is still moving and I continue to have to repair the walls. There is a crack trough floor of kitchen and living room. Front door won't open. Cracke are in the driveway.

600 block Iliana Street

- 1988/89 house foundation completely redone prior to our ownership due to cracks.
- 2012 put in retaining wall and it had to be redone in 2019 due to movement. Lanai slab continues to crack. Interior wall in master has gap in corner. Front bay window area sinking. Horrible soil-this hill is backfilled of a clay material that will never be settled.

600 block of Iliania Street

- Front porch is separating from house. Kitchen floor tile is cracking. Walls in back of house have cracks and separating. Patio has major crack and separation in several places. Sliding glass door no longer works due to house sagging. Foundation in back family room is cracked and separating.

600 block of Iliaina Street

- Permitted retaining walls constructed in 1994 are failing doe to obvious hillside erosion and slippage: retaining walls cracks, leaning and leaning; cracking, separation, leaning of concrete stairs and slabs; metal fence posts leaning and slipping downhill. Recent (preliminary quotes from contractors for repair of CMU wall alone are for $30K-$50K, with caution that area is unstable and the same issue will likely occur again.
- Over the past 15 years of living at this address we frequently inspect the drainage easement bordering our mauka property line. The soils exhibit strong shrink/swell characteristic aligning with seasonal dry and wet periods. Large cracks appear in the soil when dry and there are indications they connect to subsurface drainage voids. When wet, the soil is very sticky and clayey.

600 block of Iliaina Street

- Home was renovated in 2019. Contractors found foundation his lifted in the middle. Whole foundation had to be lifted in the middle. Whole foundation had to be leveled. Had to inject substance into soil so won't expand and contact under the foundation. Where nothing was injected (outside the house) new slabs have cracked, rock wall has cracks. Pretty scary. Before the renovation, door and gates askew-gates virtually unusable. Glass and sliding doors would get stuck and coming off track.

600 block of Iliania

- Cracks in back retaining wall. Cracks in home walls. Gate would close some days and be completely off the next. We have had to remove that gate/fence. Front door gets stuck and we are not able to open from inside on some days. Huge deep cracks on our hillside. Cracks in driveway/carport. Rocks falling out of rock wall b/c of shift

600 block of Iliania street

- Foundation cracks and some wall damage

600 block of Iliaina street

- 2021 retaining wall collapse in backyard. 2021 sewer line pooling and collapse, likely due to settling. $19K repair. Previous owner renovated kitchen and waste lined due to cracking and settling of slab.

600 block of Iliaina Street

- Wall separation from the slab – separation around perimeter 1-1.5 inches. Wall cracks. Corner of future construction is hill and hill has coral which could shake and excavation.

Sara A Izen
639 Iliaina Street
Kailua, Hawaii 96734

July 25, 2024

Dear Chair Kia‘ina, Vice Chair Cordera, and members of the Committee on Planning and the Economy:

RE: Resolution 24-151

My name is Sara Izen and I live at 639 Iliaina St., the first house mauka of the right-of-way that would become a street should the resolution be fully implemented. I am testifying in opposition to this resolution.

My family and I have lived on this property since 1979 and this resolution marks the third time that development of the hillside behind my house has been considered. In the two (2) prior attempts, the soil studies showed that the soil conditions were unsuitable for development. I humbly wonder why this property is being reconsidered since it is very unlikely that the geological conditions of the area would be changed? Those soil studies and other supporting documents were given to the Committee and other interested parties to review.

There are many horror stories of how the soil has damaged the properties of those of us who live on the hillside. My story is typical but not as severe as many of my neighbors. Before our renovation in 2019, our doors, windows and gates would become skewed, our glass doors wouldnt roll properly soon after installation and had to be replaced regularly, there were cracks in the walls, cracks on the ground, the stove couldnt be leveled so cooking was difficult, and so on.

For our renovation, it was discovered that our foundation had shifted and had risen in the middle and receded along the edges. This finding led to having to relevel the entire foundation.

A soil study was conducted (Study results and summary letters are available but could not be scanned in at this time.) and although our property wasnt experiencing shifting, the expansion and contraction of the clay soil was what was causing our problems. Micro piles were recommended but because of the expense, we decided on a soil injection program to the interior of our home to achieve stabilization and avoid further damage. The studies needed cost us $11,518 in 2018. The soil stabilization injections

were $15,402, also in 2018. Since then, no further interior cracks have been noticed but our rock wall retaining walls that were built in 2020 show many cracks and cracks in the concrete areas outside our home are increasing.

In addition to the cost and incovenience to current residents that these soil conditions have engendered, who is to say how these conditions could affect future residents in the homes proposed to be built uphill from us not to mention the added costs of trying to mitigate these problems?

Another huge concern for us would be the lack of maintainence of the drainage easements that are the current responsibility of the City and County of Honolulu. When it rains hard, water cascades down the hillside. Once the land is conveyed to DHHL, no public entity would be responsible for maintaining these essential easements causing great hardship and threat to our quality of life for those of us living on the 600 block of Iliaina St. and possibly to many other residents.

I realize that affordable housing and Homestead land is in very short supply and looking for current properties that are unused and could be repurposed is commendable. However, this particular parcel is unsuitable for further development, should be rezoned, and Resolution 24-151 should not be approved.

Thank you for the opportunity to express my views in opposition to Resolution 24-151.

Respectfully submitted,

Sara Izen
808-429-7053

PHONE (808) 594-1888 FAX (808) 594-1938

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

July 25, 2024

The Honorable Esther Kiaʻāina ,
Chair and Members Committee on Planning and the Economy
530 South King Street, Room 202
Honolulu, Hawai'i 96813

Dear Chair Kiaʻāina and Councilmembers:

Re: OHA Support for Resolution 24-151, Proposed CD1

Aloha,

The Office of Hawaiian Affairs (OHA) will recommend that the Board of Trustees support Resolution 24-151, proposed CD1, which seeks to authorize the transfer of an unused City-owned property in Kailua to the State Department of Hawaiian Home Lands (DHHL) in order to facilitate the development of affordable housing. This resolution is crucial as it marks a significant step towards addressing the housing crisis in Kailua and across Oʻahu. As you are aware, housing affordability has become increasingly challenging, particularly for Native Hawaiian families who seek to reside on their ancestral lands. The transfer of this property to DHHL will pave the way for the establishment of the very first DHHL homestead in Kailua. This initiative is long overdue and will help alleviate DHHL's extensive waitlist backlog, providing much-needed housing opportunities for our community.

The Kalaheo property, under the City's ownership since 1961, has remained vacant for decades. By transferring it to DHHL, we ensure the productive use of this land, which is already zoned for residential purposes. This move will enable the State to develop essential single-family homes specifically designated for Native Hawaiians, offering them greater access to secure and affordable housing within their ancestral lands. This transfer will align with the character and scale of current homes in the area, ensuring that new developments complement the existing community fabric and contribute positively to the neighborhood.

Furthermore, this initiative aligns with OHA's mission to improve the conditions of Native Hawaiians and ensure their equitable access to housing, education, health care, and economic opportunities. It underscores our commitment to advancing the well-being of our beneficiaries and the broader community.

In conclusion, we urge you to approve Resolution 24-151 Proposed CD1. This resolution not only addresses a critical need for affordable housing but also honors our commitment to Native Hawaiians by facilitating the establishment of a DHHL homestead in Kailua. Mahalo for your consideration and dedication to improving the lives of our community members.

Written Testimony of Jim Hancock
July 25, 2024

Subject: Written Testimony of Jim Hancock regarding City Council Resolution 24-151, Conveyance of Kalaheo Hillside Parcel (TMK 4-4-033:018) to the Hawai'i Department of Hawaiian Home Lands (DHHL)

Aloha,
My name is James Hancock. I live at 657 Iliaina St, in a home that my wife and I have owned for about 15 years. I am writing this to discourage the transfer of this 10 acre plot to anyone intending to develop it. I am a Geologist, University of Houston (1971) B.S. Geology. I will attempt to explain why this is a very bad idea in terms of the geologic nature of this parcel.

The Soil

The exposed surface of this parcel is Kokokahi clay of unknown depth. I would guess at my property at least 10 feet. In the upper left corner of this plot the elevation is 70 feet higher in elevation than my house I would assume the clay to be at least half of that.

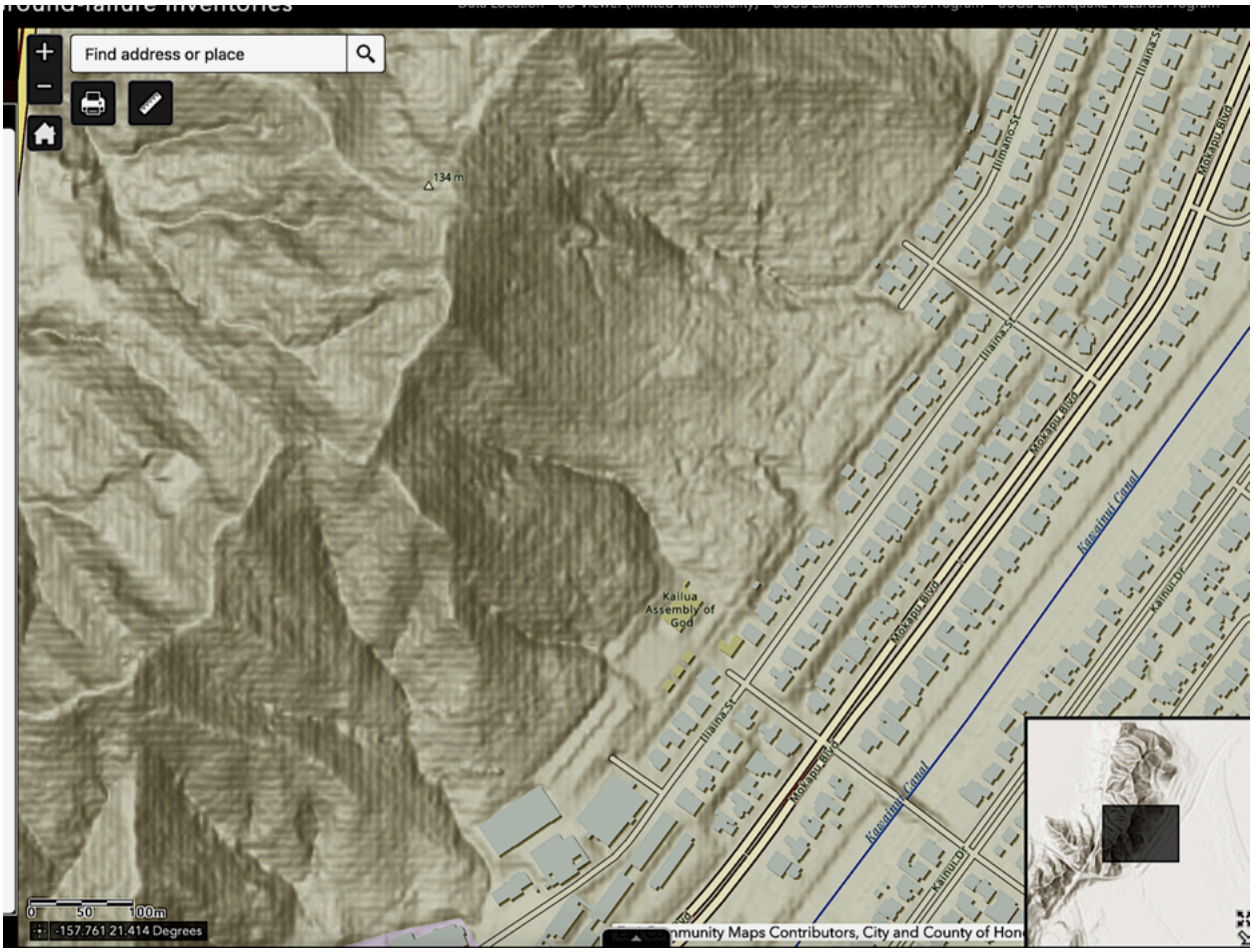
Kokokahi clay is the regional name for what is known as a Bentonite or **Montmorillonite** clay. The words Bentonite or **Montmorillonite** can be used interchangeably. **Montmorillonite** is a mineral usually formed in weathered volcanic ash in areas with poor drainage. It is a component in some Hawaiian soils. It is generally rare because very specific weathering conditions must be present for it to occur. I estimate 800 acres of it in all of Hawaii. As a comparative scale Kawainui marsh is approximately 1000 acres. The following is an excerpt from the book *Volcanoes in the Sea - the Geology of Hawaii* (G. Macdonald, A. Abbott and F. Peterson, 1983).

> Topography and drainage conditions significantly influence soil conditions in Hawaii. Where slopes are steep, runoff is rapid and erosion removes soil as fast as it forms; hence in such areas soil profiles generally are thin and poorly developed. On more level terrain, runoff is slowed and more water enters the ground to weather minerals and relocate clays and other mobile constituents. Alluvium, regardless of source, often becomes **montmorillonitic** clays in areas of poor drainage. Where topography causes internal seepage, complex patterns of well-drained red kaolinitic soils grade into poorly drained black **montmorillonitic** soils…

Montmorillonite is the common clay mineral associated with most expansive and highly plastic soils. Unlike the more stable kaolinite, **montmorillonite** has a variable crystal lattice which allows it to absorb large numbers of metal cations and water molecules on its surface. Thus when water is available it is absorbed by montmorillonite and the soil expands; then when the soil dries out and the water is lost from the montmorillonite structure, the soil shrinks, **With sufficient water, montmorillonite, may expand up to 15 times its own volume.** Fortunately, most Hawaiian soils contain only limited amounts of **montmorillonite**.

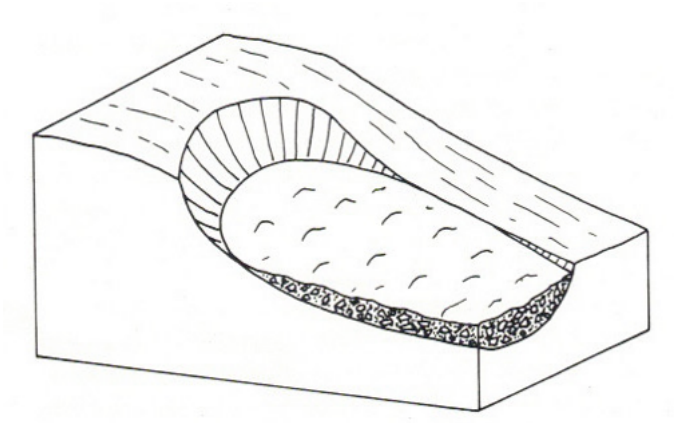
The Hill

It can be seen from a simple contour map that the site has a substantial slope. Estimates place it at roughly twice as steep as the existing housing below, and it is especially steep in the southwest part of the parcel. Enormous amounts of soil will need to be removed, moved or manipulated to make this site work.



This LIDAR reveals the surface of the property.
Notice the now 60 yard old remnants of attempted road preparation, A
And the missing soil B which was probably removed and used to smooth out lawns and back yards in the development.

This 1997 air photo clearly shows what I believe to be a very old landslide, The more recent LIDAR image clearly confirms it.



To the left is a diagram from Macdonald et al. (1983) illustrating the general form of a typical landslide.

The following (from the MacDonald 1983) is a description of a very similar situation involving montmorillonite clay and new home construction subdivision in the upper reaches of Palolo Valley and Aina Haina Valley close to Waimanalo (just over the Koolau ridge) Similar soil types and at the foot of the hills.

The Waiomao subdivision was completed near the end of 1952, and in March 1954 the first signs of slope instability appeared. At the end of November 1954 the rate of sliding began to increase, presumably partly in response to almost 23 centimeters of rainfall in one 48-hour period. By February 1955 it became necessary to disconnect the water main in

Kuahea Street, and during the next several years all utility lines were dug up and relocated above ground.

The rate of sliding movement is slow, several centimeters to a few meters per year, and is fairly well correlated with rainfall (Peck, 1967). Due to the slow movement, human life has not been endangered; however, the ground surface has dropped a few meters in places, breaking and tilting road pavements as well as tilting and distorting houses to the point that most of them have had to be abandoned. The slide is of the slump type, and is taking place in colluvial material resting on competent basalt bedrock. The colluvium is primarily weathered basalt consisting of gravel and boulders in a matrix of mostly brownish clay, including some montmorillonite. The shearing surface bounding the slide at the bottom appears to be approximately 20 meters below ground level in the central part of the slide.

R. Peck (1959), an expert in slope stability problems, hired by the City of Honolulu to study the Waiomao slide, concluded that the slide was caused by: (1) reduction of effective frictional resistance to sliding in the soil because of high groundwater pore pressure, and (2) an increase in the weight of the overlying soil because of water trapped above the sliding surface. He also concluded that the sliding movement created a "smear zone" which prevented water from draining out of the sliding mass into the underlying permeable basalt, hence the inability of the slide to drain and the build-up of excessive pore water pressure.

Numerous attempts were made to stabilize the slide, mostly aimed at draining the sliding mass, but none was successful, and by 1970 all attempts at stabilization were abandoned. Subsequently, the City purchased much of the most severely affected property and in 1976 graded the area into a park. The area is still highly unstable and undoubtedly will continue its slow but relentless descent for many years to come.

Aina Haina Valley, in Honolulu, also has experienced numerous landsliding problems. By far the most serious is a large slide covering over 12,000 square meters and affecting some 32 residential lots between Mona and Hind Iuka streets in the upper eastern portion of the valley (fig. 9.8). Movement in this area, as evidenced by leaky water mains, was first detected in early 1966, some 8 years after development was completed. The Hind Iuka slide, as it is called, is similar in many respects to the Waiomao slide in Palolo Valley. Like the Waiomao slide, the rate of movement generally is slow, averaging at most a few meters per year, and periods of most rapid movement correlate fairly well

…This is a picture taken yesterday July 24 on my street just a couple of houses away.

with heavy rainfall. Although the Hind Iuka slide is only about 5 meters thick, the sliding mass is very heterogeneous colluvial material consisting of rock and boulder fragments in a matrix of brownish clay. Much of the clay is expansive montmorillonite.

Landslide experts hired by the City of Honolulu, R. Peck and S. Wilson (1968), concluded that the causes of sliding were: (1) inherent instability of slopes in this area, coupled with (2) stress concentrations resulting from residential development, and (3) addition of water into the subsurface from broken utility pipes and other associated development activities. Numerous efforts at stabilizing the sliding mass were attempted, but none was successful, and as with the Waiomao slide, the City ultimately purchased most of the affected property and converted the area into a park.

This is a true to scale series of pictures of Aloha Stadium as it compares to the aforementioned “very old landslide”. I estimate that the quantity of Kokokahi clay in that slide would just about fill aloha stadium. Imagine that mass tipped up 200 feet on the side of a hill in your back yard.

Creep

Macdonald et al. (1983) describe this issue as follows:

> Although not dramatic in terms of surface expression, slow downslope movement by creep is a very important process of mass wasting in Hawaii. In areas of high rainfall, creep occurs in weak soils on steep slopes as a result of gravitational forces slowly deforming the near-surface materials. In drier areas the force of gravity is aided by expansion and contraction of soil particles caused by alternate wetting and drying.
>
> Even though overt evidence of creep such as bent tree trunks and stretched roots is scarce, Peck and Wilson (1968), in a study of landsliding in Aina Haina Valley for the City of Honolulu, concluded that many hillsides in Honolulu are continually moving very

slowly downward as a result of creep. They estimated, based on visual observations in several residential developments and survey data from upper Aina Haina and upper Palolo valleys, that creep rates of the surface of these slopes is on the order of 0.5 to 1 centimeter per year.

Across from Aikahi Fire Department

Fire hydrant busting through a substantial
Concrete foundation

My backyard, collapsed walls.

Kokokahi clay soil profile, 18 inches deep, my backyard.

7/25/24

Aloha,

My name is Tina Smith and I live on the 600 block of Ilimano Street on Kalaheo Hillside. My concerns are as follows:

- First, my concern is with the nature of the conveyance and the transparency of the transaction. As legislators up for re-election, it is disappointing that your constituency did not know of this transaction until a newspaper article reported on it. It is clear from the nature of the transaction that this is a political plank. This is evidenced by the lack of communication with the neighbors who have corresponded directly with the legislators and have yet to receive a response beyond "trust us."

- Nature of building: We have heard the comments to trust that the building will be of the same nature as the community, however, the language in the resolution allows for high density buildings. I would support the resolution if it kept the building consistent with the nature of the community. Our hillside cannot handle higher density due to the concerns outlined below.

- Fire safety: Since we have lived on the hillside, it has caught fire twice. If Maui has taught us anything, we should have a preventative plan. Right now, there are measures taken by the City and County to create a fire barrier for the homes. If this conveyance is approved, who will be responsible for the preventative piece of keeping the neighborhood safe?

- Soil: We have spent tens of thousands of dollars on repairing our foundation, retaining walls, and house structure due to the nature of the soil on the hillside. We are on the fill side so we see a 2-3 inch shift every year. What soil studies are being conducted and are you going to take into consideration years and years of previous studies that show the nature of the soil not being suitable for high-density building?

- Traffic: What studies have been done for traffic? Kalaheo being right down the street, there is already high traffic density for the neighborhood.

I would just like to add that I have issue with DHHL being on the receiving side of this conveyance, and ultimately, they must do their own due diligence. If anyone is to have the property, I would rather it be DHHL. My main issue is with the language in the resolution the allows for higher density building that is not consistent with the neighborhood and cannot be physically supported by the hillside.