

From: [Pua'ena Ahn](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Banyan Drive Uncle Billy's & Country Club
Date: Thursday, September 23, 2021 12:34:13 AM

Attn: Board of Land and Natural Resources

Aloha,

I am writing in opposition to granting Tower Devcon control of Uncle Billy's and Country Club Condominium. The board should not forget the dubious means by which it acquired control of Hawaiian Kingdom Crown Lands and its as yet unfulfilled fiduciary duty owed to the Kānaka Maoli. Those buildings should be used for low-income housing considering the perpetual housing crisis Hawai'i is in, not more tourist-oriented private development. What will happen to the people who are renting at the Country Club? Should they have to fear ending up on the street in the same way as the people at Waiakea Villas? Absolutely not. Will they, if Tower gets control of that building? Definitely. Don't do it.

Mahalo,
Pua'ena Ahn

From: [D Alameda](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] testimony on agenda-210924
Date: Thursday, September 23, 2021 8:35:51 AM

Aloha kaua,

My name is Darcy Malani Alameda and I am resident of Keaukaha and an active member in our homestead community. I am testifying in opposition to items D4 and D5 which would approve Tower Developments renovation proposal for Uncle Billys and Country Club on Banyan Drive better known to my Ohana and I as Waiakea Kai, a thriving community of native Hawaiians who were displaced from their homes when my grandfather was 13 years old. More hotels in Hilo will only lengthen the gap of disconnection between people and place. Hilo needs affordable housing. It is unconscionable for the state to subsidize extractive tourism while the people, a disproportionate number of whom are Native Hawaiian, are suffering on the street due to lack of affordable housing. In fact, Tower Development, under the direction of Ed Bushor, is currently forcing out long time low income residents of the nearby Waiakea Villas apartment complex, "without" offering alternative housing. Gentrification such as this causes homelessness.

Waiakea Kai has an overwhelming amount of history that has been buried under the golf course and all of those Banyan trees serving no purpose to such an important area. There are important names of the residents and families who once lived there, buried under the golf course that this project fails to mention in its development plan of any history prior to 1969. On September 14, 2021 at the HOUSE INVESTIGATIVE COMMITTEE HEARING Rep. Perusso asked Land Division the question, "if there is any consultation of beneficiary input in regards to CEDED LAND properties"? Land Division admitted that "in the strategic master plan there is no consultation of beneficiary input in regards to CEDED LAND properties". 65 year lease/unfairness to other prospective developers due to ACT 222 coming into effect after the RFP, which offers discounted rent/land lease monopoly/no environmental impact statement/\$833 a month rent for prime property/200+ new hotel rooms for community/Tower's failure to pay rent on time for existing lease on Naniloa/housing instability for low income residents of country club. Today 9/24 is my grandfathers birthday and what's so interesting is before he passed in December he made sure to educate me on the way the Territorial Government displaced them from HOE LANE in Waiakea Kai.

Therefore I implore you to do what is best for Hawai'i people by rejecting items D-4 and D-5. Do not allow Ed Bushor and Tower Development to continue to extract profit from our community at the expense of our people.

Also, I Darcy Malani Alameda will be on zoom for oral testimony.
Mahalo nui,
Darcy Malani Alameda

From: [Jocina Alani](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony- leasing crown lands to Tower
Date: Tuesday, September 21, 2021 9:37:04 PM

Aloha BLNR,

I would like to say that i am against you (BLNR) leasing Bay front crown lands (former- Uncle Billy's) to a private developer (Tower). Why are you guys even considering giving this private profit company a 65 year lease. This land can be used for better things for our communities and where our community can profit from this lease. Let the community talk and share their opinions. Give local people a chance to lease this area so that we can thrive as a community and as a people from Hawaii.

Mahalo,

Jocina Alani

Subject: Testimony in Strong Opposition to Board of Land and Natural Resources Agenda Items D4 & D5

Aloha e Chairperson Suzanne Case and State of Hawai‘i Board of Land and Natural Resources,

My name is Donavan Kamakani Albano, a Kanaka ‘Ōiwi resident of O‘ahu, Hawai‘i. I am writing to express my **strong opposition** to the plans to redevelop the former Uncle Billy’s Hilo Bay Hotel AND Country Club Condominium Hotel in Hilo, Hawai‘i (agenda items D4 & D5).

This action would effectively alienate public and so-called “ceded” lands from a trust established to, among other express purposes, serve Native Hawaiian beneficiaries, not divest them of historical land claims, drain their land trust inventory, and diminish the revenue otherwise available to better their conditions - all of which would happen if these properties were utilized for hotel developments. These reasons alone counsel against supporting this measure.

The state has long been complicit in efforts to transfer certain parcels of “ceded” lands to third parties for the purpose of facilitating private, commercial development, and all too often to the detriment of native Hawaiians. The trust vested in the Department of Land and Natural Resources (DLNR) to manage and administer the “ceded” lands subject to the trust obligations articulated in section 5(f) of the Admission Act - among them, “for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act of 1920, as amended” - is no less fulsome in 2021 than it was in 1959. The fact that approximately 30,000 native Hawaiians have been languishing on the Department of Hawaiian Home Lands (DHHL) waitlist for the decades evidence unmet trust obligations deserving of more meaningful consideration with respect to the state’s disposition of “ceded” lands.

In addition, the stark fact that a competing offer was submitted for an affordable housing development for kūpuna, and not considered for selection, proves again that the state fails the duties they are entrusted with as managers and administrators of so-called “ceded” lands.

Gentrification and overdevelopment, in conjunction with capitalist and extractivist practices and tourism, goes deeply against the values, philosophies, and practices of Kānaka Maoli, the native peoples and descendants of this ‘āina, to whom we have deep connections to. The commodification of our lands for privatization and commercial development is antithetical to the obligations outlined by the DLNR, and perpetuates the logic that our native land is merely a commodity that can be handed around to serve settler colonial, racist, and foreign interests.

So long as Native Hawaiian claims to ownership of our lands remain outstanding and unresolved, and so long as there remains manifold evidence of the state’s failure to meet its trust obligations to Kānaka Maoli, resistance will continue to occur. Also, prudence demands that the state’s management and administration of the “ceded” lands trust inventory manifest, at all times, its fiduciary duties of due diligence and undivided loyalty to its beneficiaries. The plans in consideration fail to accomplish that and underestimates the will and determination of the Native Hawaiian community to preserve, develop, and transmit for future generations our ancestral ‘āina that rightfully belongs to us.

Mahalo nui for the opportunity to submit testimony.

Ke aloha ‘āina ‘oia‘i‘o,
Donavan Kamakani Albano

From: [Jim Albertini](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in OPPOSITION of Tower development --former Uncle Billy's and Country Club condo.
Date: Wednesday, September 22, 2021 7:37:18 PM

Wed. Sept. 22, 2021

Aloha BLNR,

Our organization believes there should be much more community discussion before a lease of public lands is issued to Tower Development or anyone over development of the former Uncle Billy's and the Country Club condo. Public Lands deserve extensive public discussion, not a fast track for a corporate give away.

Please delay any vote and engage the community in best use of these public lands to serve the community, especially Kanaka Maoli.

Mahalo.

Jim Albertini

President

--

Jim Albertini Malu 'Aina Center For Non-violent Education & Action P.O. Box 489 Ola'a (Kurtistown) Hawai'i 96760

Phone 808-966-7622 Email ja@malu-aina.org Visit us on the web at https://urldefense.com/v3/__http://www.malu-aina.org__!!LIYSdFfckKA!mKzSxVpul6Giklvwi71qH-epK196XVIQVqBWhv9OWJ2aWLFb4NGCZHfAUdy-DvnSuMphAeAS

From: [Kristen Alice](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Written Testimony and Request to testify tomorrow.
Date: Thursday, September 23, 2021 9:01:33 AM
Attachments: [BLNR Uncle Billys and Country Club Testimony.pdf](#)

TESTIMONY IN OPPOSITION TO BLNR AGENDA ITEMS D-4 AND D-5 - TOWER DEVELOPMENT PROPOSAL FOR UNCLE BILLY'S AND COUNTRY CLUB

FROM: Kristen Alice
DATE: Friday September 24, 2021

Aloha,

I would like to request to give oral testimony in opposition to items D-4 and D-5 at the 9/24 BLNR meeting.

Please find my written testimony in opposition to items D-4 and D-5 below, along with photo attachments

My name is Kristen Alice and I am a resident of Waiākea Villas apartment complex in Hilo. I am testifying in opposition to items D4 and D5 which would approve Tower Development's renovation proposal for Uncle Billy's and Country Club on Banyan Drive. Hilo does not need more hotel rooms, it needs affordable housing. It is unconscionable for the state to subsidize extractive tourism while the people, a disproportionate number of whom are Native Hawaiian, are suffering on the street due to lack of affordable housing. In fact, Tower Development, under the direction of CEO Ed Bushor, is currently forcing out long time low income residents of the nearby Waiakea Villas apartment complex, without offering alternative housing. Gentrification such as this causes homelessness.

As residents of a Tower-run property, my neighbors and I have experienced a significant increase in stress and hardship as a result of Tower's management of our home. Below is a sample of the issues.

EVICITION THREATS AND ILLEGAL EVICTION ATTEMPTS

We conducted a resident survey and half of respondents had received a text message or other form of communication threatening eviction. In fact, during the eviction moratorium, ***Tower illegally issued nonpayment eviction notices to at least two households***, one, a single mother with a young daughter who has a section 8 voucher, and the other, a disabled veteran, his wife, and their young daughter.

Hawaii News Now has covered some of our residents' stories, and I encourage you to watch and listen.

<https://www.hawaiinewsnow.com/2021/07/17/fears-eviction-rent-hikes-waiakea-villas-state-lifts-eviction-ban/>

DISCRIMINATION

Tower has informed its Section 8 tenants that they will not be welcome to reapply. This is simply a

legal way to discriminate against people who are most likely to need housing assistance because they are marginalized and discriminated against the most. Among my neighbors at Waiakea Villas, this includes Native Hawaiians and Pacific Islanders, single mothers, people with disabilities, LGBTQ+, and formerly houseless people. 80% have lived in Hawai'i over 20 years, with half of them having been born here. Two-thirds say if they are evicted and cannot find a rental, they do not have anyone they can stay with. Half of survey respondents make less than \$12,000 a year, and almost a third make less than \$6,000.

FAILURE TO PROVIDE RELOCATION OPTIONS

One tenant shared that they were worried because Tower provided "no warnings or plans to relocate tenants young and elderly, disabled also special needs."

CONSTRUCTION NEGATIVELY IMPACTING RESIDENTS

When asked, "How have the recent renovations, construction, and other site work impacted you?" responses included:

"Slipped and fractured shoulder going around tower vehicle illegally parked in tenant pathway to stairwell."

"It appears that most of it is simply "patch work" and largely unsubstantial. Very noisy"

"Very upsetting....it is like living in a construction zone"

"I would say this has impacted me about an 8 (1-10 scale), the loud sounds and the different areas that is being worked on that is taped off"

SCOTCH TAPE REPAIRS - see attached photos

Despite the incessant construction and noise, Tower has failed to address health and safety concerns that should be the most urgent.

- Ceiling Collapse--in January 2021, the ceiling in my hallway collapsed. It was dripping water and had soaked through the carpet in the hallway. There was a large pile of debris. This remained in the hallway for three days. When an employee finally came to fix it, I asked him what had caused the collapse, and he replied that he didn't know. I asked if he had checked for water damage, mold, or other structural damage that may put tenants in danger. He replied that he had not. The greenboard he placed over the hole still remains visible, and the water damage and some of the debris still remain in the hallway. I do not know if asbestos were used in this building but I am certainly concerned about that, and whatever else lurks beneath the surface.
- Sinking hallway--A corner of my hallway has sunk noticeably lower than the rest. Because it's difficult to convey in a picture, I've provided a photo with a level, and on showing the beam separation.

Therefore I implore you to do what is best for Hawai'i's people by rejecting items D-4 and D-5. Do

not allow Ed Bushor and Tower Development to continue to extract profit from our community at the expense of our people.

Mahalo,

Mahalo nui for your consideration.

Sincerely,

Kristen Alice

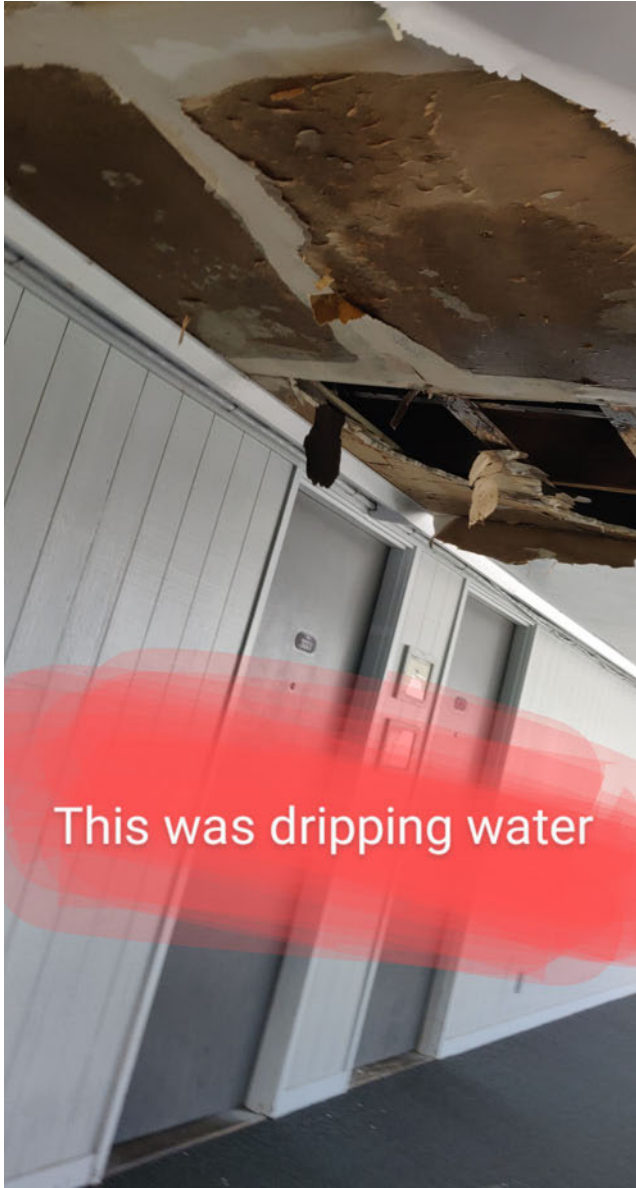
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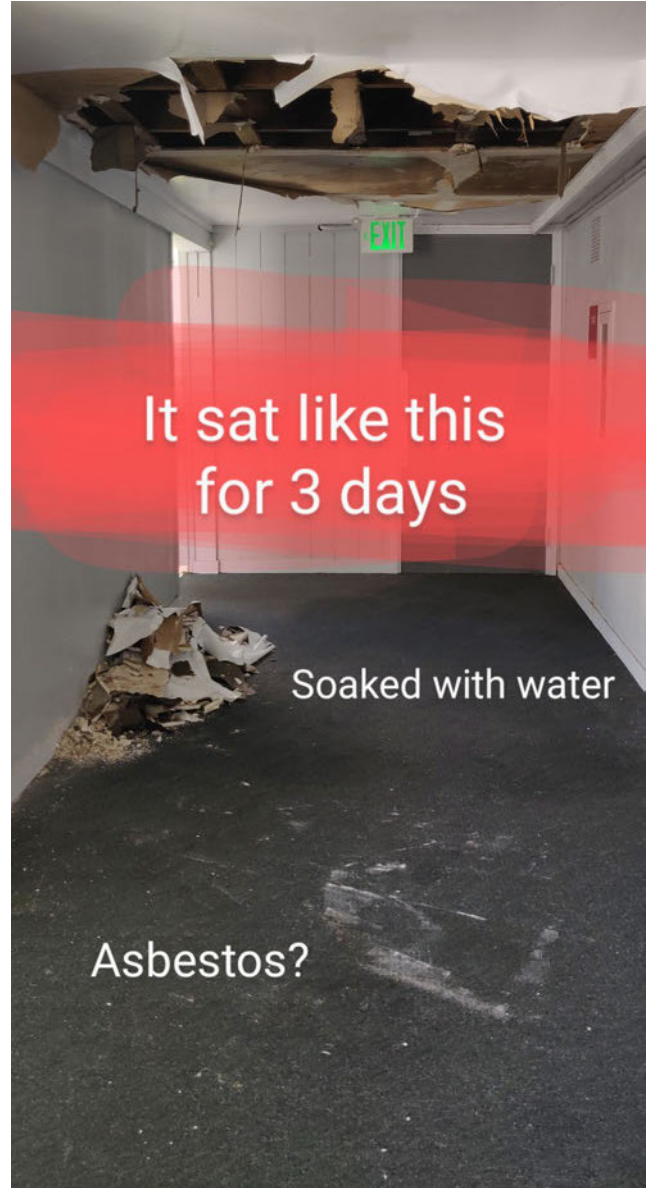
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Ceiling Collapse at Waiākea Villas



This was dripping water



It sat like this
for 3 days

Soaked with water

Asbestos?



It's been like this since
January 2021



Water damage from when
the ceiling collapsed Jan
2021

Sinking Hallway at Waiākea Villas



From: [ronelle andrade](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in opposition
Date: Thursday, September 23, 2021 1:48:38 AM

Aloha,

I oppose the leasing of Hilo coastal crown/ public lands to private developers Tower Enterprises. please vote no to leasing these public lands.

I am kanaka maoli and resident of Hawai'i Island

Mahalo,

Ronelle Andrade
P.O, Box 876 Keaau, HI 96749

From: [Kelsea Armstrong](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Tower Development
Date: Wednesday, September 22, 2021 11:15:12 PM

Aloha,

Please find my written testimony in opposition to items D-4 and D-5 below.

My name is Kelsea Armstrong. I am a Kaua'i resident and graduate student from the University of Hawai'i at Mānoa at the Political Science Department.

I am testifying in opposition to items D4 and D5 which would approve Tower Development's renovation proposal for Uncle Billy's and Country Club on Banyan Drive. Hilo does not need more hotel rooms, it needs affordable housing. It is unconscionable for the state to subsidize extractive tourism while the people, a disproportionate number of whom are Native Hawaiian, are suffering on the street due to lack of affordable housing. In fact, Tower Development, under the direction of CEO Ed Bushor, is currently forcing out long time low income residents of the nearby Waiākea Villas apartment complex, without offering alternative housing. Gentrification such as this causes homelessness.

The pandemic has shown us the harm these types of leases have caused for Native Hawaiians and the greater community with examples like Pōhakuloa with the Bradshaw Army Field and Hakipu'u with Kualoa Ranch.

Some of the issues with this lifetime land lease include the following: it is unfair to other prospective bidders due to discounted land lease law (Act 222) coming into effect after the RFP, we do not have an environmental impact statement, the Tower's has failed to pay rent on time for the existing lease on Naniloa Hotel whilst producing housing instability for low-income residents.

Therefore I implore you to do what is best for Hawai'i's people by rejecting items D-4 and D-5. Do not allow Ed Bushor and Tower Development to continue to extract profit from our community at the expense of our community.

Mahalo,

Kelsea Armstrong



Kelsea Armstrong

Graduate Student, Department of Political Science

(562) 234-0399 | kelseaga@hawaii.edu

<https://politicalscience.manoa.hawaii.edu/>

From: susanblueyes2-gs@yahoo.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Please vote NO tower today!
Date: Thursday, September 23, 2021 8:19:37 AM

Dear BLNR representatives,

Please Vote No to the proposed tower development.

Beside this news UNFAIRLY sprung on the public with too short notice, WE DO NOT NEED THIS.

WHAT WE DO NEED:

- A comprehensive community-based plan
- Transparency and fairness in the application process
- Economic recovery with a circular economy -- NOT an economy where an outside corporation EXTRACTS wealth from our community
- More time for public input

We don't need a new 200 room hotel! We need senior housing, but either way, not at the edge of the sea predicted to rise several feet in the coming years! Think practical not greedy.

Thank you for properly representing Hawaii nei and her people rather than corporate greed!

Submitted with deep concern,

Susan Bambara
Kurtistown

From: [Kelly Bernier](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Hilo Bay, Banyan
Date: Tuesday, September 21, 2021 8:01:25 AM

I am writing to express that I do not support the further development of Hilo Bay or the hotels located there, I do not support any leases given by the state to developers of these lands. I wish for Hilo Bay to have no new development what do ever and would only support removal of the old hotels.

Thank you

Kelly Bernier

Sent from my iPhone

From: [Kaikea Blakemore](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to D-4 and D-5
Date: Thursday, September 23, 2021 8:54:18 AM

Aloha,

Please find my written testimony in opposition to items D-4 and D-5 below.

My name is Kaikea Kaleikini Blakemore and I am a resident of Hawaii County. I am testifying in opposition to items D4 and D5 seeking to approve Tower Development's renovation proposal for Uncle Billy's and Country Club on Banyan Drive. I have many memories of this area, and area for local community members and friends to get together, and do not feel a Hilton Hotel or any other type of tourist attraction is appropriate for this land.

The bridges nearby Uncle Billy's honor the dead from Tsunami tragedies years ago, and the park has always been a place of peace and local community to me. Creating another tourism area in this space where the bodies of the dead rest and where an otherwise more local community once lived is wholly inappropriate for our community.

Tower is a non-local development firm that has an atrocious track record so far of disrespecting local residents, being unhelpful in our housing crisis contributing to evictions leaving years-long residents in the lurch unsure of what their housing will be in the future. They have issued illegal eviction notices during the moratorium and are or should be under investigation for their illegal development practices. Their energy is hewa and should not be permitted to continue harming our local residents or disturbing the peace of that park area. Given their behavior towards residents of Waiakea Villas that even made local news, it's clear this company is about personal profit, not the well being of our local community members -- many of whom are now at risk of homelessness and are experiencing undue stress from Tower's construction and illegal eviction proceedings.

I agree with other community activists that we do not need more hotels, for-profit outside companies, or gentrification processes exacerbating Hawaii County's homelessness crisis. Please DO NOT give Tower this easy bid as the only applicant for a long term lease that is rock bottom below what the low income residents they are evicting even pay for their own humble housing. It is absolutely sad and confusing to see this company get preferential treatment to other possible bidders.

Please do not sell out Hawaii to private companies hurting our local people.

The 65 year lease is unfair to other prospective bidders due to discounted land lease law (Act 222) coming into effect after the RFP. This is a land lease monopoly with no environmental impact statement, a \$833 a month rent for prime property. Why is a company stealing housing from the poor for foreign profit being given this rock bottom lease at the expense of our local residents?

Please reject items D-4 and D-5. Do not allow Ed Bushor and Tower Development to continue to extract profit from our community at the expense of our people.

Mahalo for accepting my testimony and for protecting our community from increased gentrification and further housing instability.

Kaikea Kaleikini Blakemore

From: [Caitlin Blanchfield](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] testimony oppose tower development proposal
Date: Wednesday, September 22, 2021 9:23:21 AM

Aloha e Chairperson Suzanne Case,

I am writing to **oppose** plans to redevelop the Uncle Billy's Hilo Bay Hotel and Country Club Condominium Hotel in Hilo. Redeveloping this property would effectively remove "ceded" lands from a public trust for the benefit of Native Hawaiians, divesting them of land trust inventory to which they have claim. This land should not be developed for the benefit of the tourism industry but should instead be available to the Native Hawaiians whose land it rightfully is.

best regards,
Caitlin Blanchfield

From: [Marge Bonar](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Comments on the Corrected Final EIS for Proposed A&B Water Lease
Date: Tuesday, September 21, 2021 10:17:15 AM

Just correcting the EIS is not an indicator of what it is lacking. A 30 year lease to the most profligate water wasting organization on Maui is not pono. There are more questions than answers in this document. A nebulous commitment is not a strategic plan.

Please grant short term leases or preferably none.
Marjorie Bonar
Pukalani

From: [Joseph Bork](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item #4 land division section sept.24 BLNR meeting 121 Banyan dr.
Date: Wednesday, September 22, 2021 1:12:03 PM

121 banyan

It is widely observed that to put all, or a majority of the Banyan dr. assets under the control of a single operator, would be a risky and dangerous proposition.

Now, it is not even conjecture, or speculation.

The advent of the current, and ongoing Covid circumstance, has brought the entire tourism industry to its knees. All the big, high overhead operations are suffering.

In fact, The petitioner in this case, Tower Development group, with all their millions of dollars “Off Island” investors, became several hundred thousands of dollars behind in their lease payments to the State.

“Oceanfront 121”, the current permit holders, suffered through 5 years of the worst financial circumstances imaginable; far worse than anything that Covid has presented. And we never missed a DLNR lease payment.!!

Luckily a miracle occurred for the petitioner, to allow them to catch up.

This is the worst time for the State to enter into negotiations for a long term lease on a high dollar investment/high overhead hotel operation.

Any negotiations at this time will result in the least benefit to the State and the community.

We’ve all been waiting several years for the fabled “master plan” to emerge from the “Banyan drive redevelopment agency”; whereby potential bidders could compete with their bids to help realize the Cohesive, publicly supported plan.

That Master Plan has yet to reveal itself. But, instead, you now will allow a group of “Off Island” investors to unilaterally decide what is best for the State and community?

Each year, while “Oceanfront 121” was operating the building, I would come to your operating permit renewal meetings, and give you the progress reports. And there was always progress.

We had never missed a DLNR lease payment. And there had always been some crazy life threatening financial and logistic emergency requiring immediate, large infusions of personal cash.

We had met and conquered each one those emergencies “by the skin of our teeth”, so as to continue restoring the facility to the benefit of the State and community.

I reminded you that our books and bank accounts were always open to you, so that you could see that everything I told you was true. That none of us received any compensation for the

hundreds of hours we spent managing the project. And that every penny of income plus the monies we had been forced to personally invest had gone directly into the operation and improvement of the building.

With the month to month operating permit, there was never any assurance. But, of course, we always hoped that, as we delivered tangible results, improving the State's assets; that the arrangement could continue long enough for us to recover our investment.

We had paid off the debt we chose to inherit from previous management.
over \$400,000 to Helco
over \$200,000 to county waste water
around \$100,000 to miscellaneous local vendors

We had invested in the building structure:
over \$100,000 elevators
around \$100,000 toward various fire/safety electrical and plumbing upgrades

We had spent over \$200,000 in legal fees evicting all the deadbeat squatters.

We had enhanced cameras and security measures so as to remove all the drug activities.

We had gotten our monthly expenses down to \$30,000, and our gross income was up to \$50,000. We were at the point that we could begin accelerated room renovations, and more building upgrades.

....To our astonishment, and intense disappointment; 2 months after all the bills were paid, all the drug dealers were gone, and the last of the squatters was evicted; we got notice that the state was going to request bids to issue a new long term lease.

We finally were at the point that we could have started to recover some of the money we had been forced by emergency circumstances over the years to personally invest, in order to keep the building alive.

All we needed was 2 or 3 more years, and we would have recovered our investment, and would have finished some major building upgrades. Then, we would have delivered to you a functional, attractive, "Extended Stay" hotel worth several million dollars.

But after all those years of struggle, and accomplishment, you now decided to seek bids for the long term lease.

We were made to believe that in 3 to 6 months, there would be a new lease holder, and the only chance we had to recover our investment would be to ally ourselves with a local hotel operator, with experience and resources to back up a multi million dollar lease bid proposal.

Hindsight is 20/20.

Had we known that Covid would hit, and obliterate the hotel/tourist industry;

Had we known that 2 years would pass before the bids would be decided;

We would have continued with our business plan and the tight, hands on management practices that had proven to be so successful.

We were, and are impervious to Covid.

Our base income of \$50,000 per month was derived from month to month “extended stay” rentals.

The 15 rooms we had renovated, and the 40 more rooms soon to be renovated; would be available for tourists, if they presented themselves. Or, they would continue with the numerous extended stay guests.

We were on course, and would have achieved the goals we had set out to accomplish.

We proved, and Don Inouye at Reeds Bay, is proving, that tight, local, onsite management of an affordable “Extended Stay” hotel operation, is profitable, and is an asset to the community.

There continues to be a strong demand for affordable, extended stay accommodations

This is not a good time to seek high dollar investments, with high overhead management of expensive hotel accommodations.

The Pagoda group, with their greater overhead, and team of offsite managers, were unable to realize the scant profits that we were achieving.

And now, having lost the bid for the long term lease; they have given us notice that they are terminating our operating agreement as of September 30.

The elevators need maintenance. The swimming pool is a mess. Some of the drug dealers are back. There are some non paying squatters again.

We will go back in there to see if we can pull it back together for you in the next few months.

We will utilize any and all cash flows to keep the building alive during this interim period.

But, understandably, none of us are interested in, once again, reaching into our pockets to pay for shortfalls in the income versus operating expenses.

You had previously promised that upon granting a new lease, you would require the new lease holder to compensate us \$159,000 of the several hundred thousand we have invested. Your office in Honolulu assured us that requirement, for the new lease holder, will continue regardless of what happens in the next weeks and months. We expect that you will continue to honor that promise.

We reached out to Tower development, offering to let them take over operations now, while you, and they, continue with the negotiations over terms and conditions.

They declined. Of course.

It is in their best interests if we fail to keep the building operational.

If we were to give you our 25 day notice to terminate the operating permit now; you will, either hire someone to run operations during the interim; or close it up, and it will become another 'Uncle Billy's'.

Then, they will have you begging them to take it at whatever terms and conditions they want to offer.

On the other hand; if we manage to pull it back together in the next weeks; you will again, have a functional operation for which you can negotiate reasonable terms.

If the negotiations go on for another year or two; then we will, again,

- 1) restore it to profitability.
- 2) continue the renovations, and fill the rooms with, either tourists, or upscale extended stay guests.
3. get the monthly revenues up to, at least \$100,000.
4. Deliver unto you, and the State of Hawaii, a building and functional enterprise that meets the community's needs, and will be worth several million dollars.

--

Joseph Bork

joseph.gsp@gmail.com

Golden State Power

"Investing Toward Energy Freedom"

661-837-2275 fax

661-330-4325 cell

From: [Cheryl B](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Representative David A. Tarnas](#)
Subject: [EXTERNAL] Oppose. regarding BLNR agenda item D5 addressing Uncle Billy's property
Date: Tuesday, September 21, 2021 12:04:22 PM

This testimony is to submit my OPPOSITION to the proposal to allow Tower Property to lease for use as Hampton Inn on the former Uncle Billy's property. The proposal as understood by me is that this lease will be for \$833 a month.

It is issues like these that I shake my head in wonder at how we will ever move forward on these islands with the BLNR thinking that \$833.00 a month for a lease is acceptable. To see another company from the continent being given access to lands is also wrong. There are already too many for whom the \$\$ does not stay in Hawai'i. In addition, it is my understanding that this company currently has outstanding payments due on other property they are leasing. I know what would happen to my lease request if I did not pay my rent or keep my rental property in good condition. Sadly, once again, we see that the State sees a few \$\$ signs over what is best for our islands and people. These are crown lands and need to be mindful of the consequences of poor actions in the past, now and in the future.

I will stop here because I know that you already know this and were hoping to let this lease as you have so many others go by. We could see this coming with HB 499 and all the other bills that push corporations, foreign governments and others interests over the people of these islands. It is not ok for them to have leases for 65 years +.

I ask that you OPPOSE this lease. I have cc'd Rep. Tarnas on this testimony as he has promised to provide better oversight of the DLNR and BLNR

C. Burghardt
Concerned citizen
burgharc@gmail.com

From: [Stella Caban](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for Uncle Billy's and Country Club Condominium
Date: Thursday, September 23, 2021 8:59:33 AM

Attn: Board of Land and Natural Resources

Aloha,

I am writing in opposition to granting Tower Devcon control of Uncle Billy's and Country Club Condominium. The board should not forget the dubious means by which it acquired control of Hawaiian Kingdom Crown Lands and its as yet unfulfilled fiduciary duty owed to the Kānaka Maoli. Those buildings should be used for low-income housing considering the perpetual housing crisis Hawai'i is in, not more tourist-oriented private development. What will happen to the people who are renting at the Country Club? Should they have to fear ending up on the street in the same way as the people at Waiakea Villas? Absolutely not. Will they, if Tower gets control of that building? Definitely. Thinking about blithe short and long view about Hawai'i's vitality and well-being we must not give lease land to Tower Devon.

Mahalo,

Stella Caban

From: keala.campbell@gmail.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in OPPOSITION of Agenda Items D4&D5
Date: Thursday, September 23, 2021 8:58:55 AM

Regarding meeting on 9/24/21 @ 9AM via ZOOM:

Agenda Items D4 and D5

SELECTION OF PROPOSAL SUBMITTED BY TOWER DEVELOPMENT, INC. IN RESPONSE TO REQUEST FOR QUALIFICATIONS / REQUEST FOR PROPOSALS FOR THE REPAIR, RENOVATION, AND OPERATION OF THE FORMER COUNTRY CLUB CONDOMINIUM HOTEL, HILO, ISLAND OF HAWAII AND

SELECTION OF PROPOSAL SUBMITTED BY TOWER DEVELOPMENT, INC. IN RESPONSE TO REQUEST FOR QUALIFICATIONS / REQUEST FOR PROPOSALS FOR THE: DEMOLITION / PARTIAL DEMOLITION AND / OR REPAIR / RENOVATION; AND (2) OPERATION OF THE FORMER UNCLE BILLY'S HILO BAY HOTEL, HILO, ISLAND OF HAWAII

September 23, 2021

Aloha e Chairperson Suzanne Case; State of Hawai'i Board of Land and Natural Resources; et al.

I, Keala Campbell, a resident of Hawai'i Island and a Native Hawaiian beneficiary, OPPOSE plans to redevelop the former Uncle Billy's Hilo Bay Hotel AND the former Country Club Condominium Hotel in Hilo, Hawai'i.

This action would effectively alienate public and "ceded" lands from a trust established to, among other express purposes, serve Native Hawaiian beneficiaries; not divest them of historical land claims, drain their land trust inventory, and diminish the revenue otherwise available to better their conditions—all of which would happen if these properties were utilized for hotel developments and transient accommodation housing. These reasons alone counsel against supporting this measure.

The State has long been complicit in efforts to transfer certain parcels of "ceded" lands to third parties for the purpose of facilitating private, commercial development, and all too often to the detriment of Native Hawaiians. The trust vested in the Department of Land and Natural Resources (DLNR) to manage and administer the "ceded" lands subject to the trust obligations articulated in section 5(f) of the Admission Act—among them, "for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended"—is no less fulsome in 2021 than it was in 1959. The fact that approximately 30,000 native Hawaiians have been languishing on the Department of Hawaiian Home Lands (DHHL) waitlist for decades evidence unmet trust obligations deserving of more meaningful consideration with respect to the State's disposition of "ceded" lands.

In addition, the stark fact that a competing offer was submitted for an affordable housing development for kūpuna, and not considered for selection, proves again that the State fails the duties they are entrusted with as managers and administrators of "ceded" lands.

So long as native Hawaiian claims to ownership of the "ceded" lands remain outstanding and unresolved, and so long as there remains manifold evidence of the State's failure to meet its trust obligations to Native Hawaiians, prudence demands that the State's management and administration of the "ceded" lands trust inventory manifest, at all times, its fiduciary duties of due diligence and undivided loyalty to its beneficiaries. The plans in consideration here fail to accomplish that and underestimates the will and determination of the Native Hawaiian community to preserve, develop, and transmit to future generations their ancestral territory.

From: [Sharra Keawe-Aiko](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] 9/24/21, 9am, BLNR Agenda Items D4 & D5
Date: Thursday, September 23, 2021 8:55:16 AM

Aloha,

This testimony is in **strong opposition** regarding the proposal submitted by TDI for lease of public lands in Waiākea, South Hilo, Hawai'i.

Leasing public lands for up to 65 years should not even be a consideration. This is also largely tourism-related and I believe we have all seen the negative impacts on our 'āina and our economy with history of being so reliant on tourism and accommodating to profit companies from the continent.

Please consider a native or resident-owned opportunity instead that will directly benefit our community. The trickle-down effect of construction jobs and hotel/condominium jobs only provide time-limited and minimal benefit to our community and residents, causing more damage than actual long-term benefits.

Learn from the past and move forward with Hawai'i first in mind. By Hawai'i, for Hawai'i. Only we can cart for our home like our future depends on it, because it does.

Mahalo,

Sharra Dancel

From: [Loke Davis](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] In Opposition to Tower Development, Inc Leasing "Uncle Billy"s" Property
Date: Thursday, September 23, 2021 8:58:34 AM

BLNR Members,

Please do NOT vote to lease the Uncle Billy's Property to Tower Development, Inc.

The increasing privatization of public spaces in Hawai'i has been alarming. While this property may have been leased privately in recent history, my understanding is this land was originally designated as public Hawaiian Crown Lands.

Perhaps you may see no alternative use of the property at this point in time, however pigeon-holing the property into private use and profit for 65 years at below market rate eliminates future opportunities to utilise the property for community benefit.

Again, please do not prevent community access to this resource for generations. Please vote no.

Aloha nui, Loke

Loke Davis

[LinkedIn](#)

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From: [bonnie Delgado](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Public Land Leases
Date: Wednesday, September 22, 2021 7:43:42 AM

Aloha,

My name is Bonnie Delgado

I am a resident on Oahu, and i am writing to testify that I DO NOT support leasing public lands to private businesses. This email is in reference to the “uncle Billy’s” country club that is proposed in Hilo. Keep Hawaiian lands in Hawaiian hands, and please stop allowing these islands to be destroyed!

Sincerely,

Bonnie Delgado

From: [kapulei flores](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Oppose Agenda items D4 and D5
Date: Tuesday, September 21, 2021 11:12:05 PM

Aloha,

I am a resident and Native Hawaiian of Hawai'i island and I urge you to oppose Agenda items D4 and D5. This is regarding the plans to redevelop the former Uncle Billy's Hilo Bay Hotel and the former Country Club Condominium Hotel in Hilo, Hawai'i. These are public lands that should be used to benefit the native and local community of Hawai'i. This means not only using the land for something that will benefit and aid our people, but also leasing this land to local businesses instead of private corporations who do not have our people and home in their best interests. The state continues to try and a lot of the times succeed in leasing and selling our public lands to private outside corporations who do not benefit our local communities nor do they give back to our people. Please help keep our public trust lands in the hands of local businesses and corporations that have the public, our community, and our land in their best interest. Please help protect the beauty and essence of Hawai'i by not allowing private corporations to get forever leases to our public land. Our community and people have already been dismissed when HB499 was not vetoed, harming our local communities and land. Please do not choose private corporations over our community and people again. Mahalo for your time and I hope you choose to do the right thing for our community by opposing these agenda items.

From: [Keith Greer](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Tower Development on Banyan Drive
Date: Thursday, September 23, 2021 8:37:23 AM

I am firmly opposed to Tower Development acquiring the lease for Uncle Billy's and Country Club.

First issue is that there is an over dependence on tourism in our state to begin with. Residents have been frustrated for a long time and it has only gotten worse with the reopening of the state following COVID lockdowns. Why would we want to continue to invest in expanding an industry that the residents don't want in their communities?

Additionally, rather than giving the lease for pennies (renting unimproved land in Puna costs more than this prime piece of land) to a mainland company a local company should be prioritized so dollars generated in our community stay in our community.

Sincerely,
Keith Greer

From: [Angela Gruis](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Bay Front Crown Lands
Date: Wednesday, September 22, 2021 8:04:07 PM

To Whom It May Concern:

Please vote no to an American business taking/having control of the Bay Front Crown Lands for 65+ years!

Please keep the beautiful Bay Front Crown Lands in the control of the Hawaiians.

Thank you for your time and consideration!
God bless,

Adam and Angela Gruis
PO Box 4608
Hilo, HI 96720

From: [Kaori-lei hanohano](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for the lease of Public Lands
Date: Wednesday, September 22, 2021 4:38:27 PM

To whom it may concern,

I Kaori-Lei Hanohano submit testimony on behalf of my 'ohana that we oppose the leasing of public lands to private developers. I invite you to do your own research on how public lands were acquired, stolen from! Public lands come from our Ali'i if you do further research our ali'i set lands aside for the people! The continue allowances of leasing public lands to private developers increases the displacement of Native Hawaiians! It is genocide to remove a people from our own 'aina! Our connection to 'aina is the foundation of our lāhui existence! I encourage you to invest in our lāhui!

E iho ana o luna
E pi'i ana o lalo
E hui ana na moku
E kū ana ka paia

Na'u no,

Kaori-Lei Hanohano

Sent from my iPhone

From: [Cory Harden](#)
Subject: [EXTERNAL] for BLNR Sept 24 D 4, D 5 Banyan Drive
Date: Wednesday, September 22, 2021 10:54:55 PM
Attachments: [temp 2021 9-24 BLNR.docx](#)

attachment is identical....Cory

testimony for items D 4 Country Club and D 5 Uncle Billy's
for State Board of Land and Natural Resources, 9 AM Friday, September 24, 2021
from Cory Harden, Hilo 333cory@gmail.com

Please ask these questions:

Did Tower Development make good on payments to a subcontractor?

A subcontractor who worked on the Grand Naniloa Hotel construction project is suing the hotel, its developer and the project's general contractor, claiming nonpayment of \$754,000 for work it performed during the Banyan Drive property's makeover....defendants include ...Tower Development....

<https://www.westhawaii.com/2018/01/27/hawaii-news/subcontractor-sues-naniloas-general-contractor-developer/>

Did Tower Development remedy numerous building, electrical, and plumbing code violations at the Naniloa Hotel and Naniloa golf course?

May 11, 2015 letter from Public Works to Tower Development, <https://dlnr.hawaii.gov/wp-content/uploads/2017/01/D-3-1.pdf> p. 19 ff

How will sea level rise affect the hotels during flood events and tsunamis—structural integrity, livability, cesspools?

From the mid-30s to the start of 2040, under Thompson's "most likely" scenario, the trend in the number of high-tide flooding days will take a sharp upward swing, going from around 20 such events per year to nearly 80. "The switch will flip" in the mid-30s, Thompson said.

"Expect to see a quadrupling from 2030 to 2040."

UH Oceanographer Predicts Sharp Rise In High-Tide Flood Events By Mid-2030s, Environment Hawai'i, September 2021, p. 12, <https://www.environment-hawaii.org/?p=13809>

Where will current renters go? How many affordable rental units will be lost?

Will Tower Development keep any affordable units affordable?

A group of residents in a Hilo housing project are expressing concern that they'll be evicted from their affordable units when Hawaii's eviction moratorium ends next month....[Tower CEO] Bushor said residents whose units are undergoing repairs can move to vacant ones. But, he said, "they might be expected to pay more."

Residents in Hilo condo fear rent hikes, being kicked out as state lifts eviction moratorium< Hawai'i News Now, July 16, 2021, <https://www.hawaiinewsnow.com/2021/07/17/fears-eviction-rent-hikes-waiakea-villas-state-lifts-eviction-ban/>

Tower recently acquired the dilapidated Waiakea Villas in Hilo and is completing a full

renovation of the exterior and interior units to allow renters to experience brand new apartment units.

Tower comment in staff submittal for Uncle Billy's, PDF p. 70

Do we really want a multinational hotel chain on Banyan Drive?

Isn't an EA or EIS required?

TDI proposes to...substantially renovate and repair the remaining structures... [have] WHR LLC sublease a portion of the golf course under GL5844 to TDI for parking... elements of TDI's proposal include: (1) allowing up to one acre of the golf course portion of GL5844 to be used as public parking for the Reed's Bay Park, (2) providing up to one acre of additional golf course lands to be used as trails through the golf course from the corner of Banyan Drive and Highway 10 to the southern side of the golf course at a location to be determined by Hilo Bayfront Trails; and (3) dedicating the rest of the golf course to the Department and the County for future public uses.

Staff submittal for Uncle Billy's, PDF pp. 2-3

TDI proposes to retain existing building envelopes, demolish current interior improvements and exterior cosmetic and deferred maintenance items and substantially renovate the balance of the project. *[plus 1 – 3 as for Uncle Billy's]*

Staff submittal for Country Club, PDF p. 2

Why does Tower propose linking the two projects when DLNR has stated this will not be done?

...submissions for each project will be evaluated independently from the other.

DLNR comment in staff submittal for Uncle Billy's, PDF p. 43

THIS RENT STRUCTURE ALSO ASSUMES A DEVELOPMENT AGREEMENT FOR UNCLE BILLY'S AND COUNTRY CLUB ARE BOTH COMPLETED WITH TOWER AND DLNR. IF WE ARE ABLE TO DO BOTH DEVELOPMENTS, WE CAN UNDERWRITE ABSORBING ALL OF THE STATE COSTS THAT HAVE BEEN ESTIMATED BY THE STATE RELATING TO UNCLE BILLYS.

Tower comment in staff submittal for Uncle Billy's, PDF p. 73

DLNR pays for all demolition if Dual Development Agreement is not approved by DLNR for such demolition costs.

Tower comment in staff submittal for Uncle Billy's, PDF p. 75

From: [Cory Harden](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] BLNR Sept 24, D 4, D 5
Date: Thursday, September 23, 2021 10:13:35 AM
Attachments: [temp 2021 9-24 BLNR add.docx](#)

attachment is the same...Cory

additional testimony for items D 4 Country Club and D 5 Uncle Billy's
for State Board of Land and Natural Resources, 9 AM Friday, September 24, 2021
from Cory Harden, Sierra Club, Hawai'i Island Group 333cory@gmail.com

Kala mai, what I sent earlier was from Sierra Club.

We also add:

What is the current fate of the golf course?

After lengthy discussion the May BLNR meeting, the issue was deferred. Has there ever been resolution? <https://www.hawaiitribune-herald.com/2021/05/28/hawaii-news/future-of-banyan-golf-course-on-blnc-agenda/amp/>

Is Tower willing to either pay higher rent--or guarantee low room prices at Uncle Billy's?

The Naniloa has 50 years remaining on their lease at \$500,000 per year after spending \$30 million on renovations.

Renovations planned for Uncle Billy's will cost about the same. It is understandable to have a break on the rent to balance these upfront costs. So the proposal states \$10,000 per year for the first 10 years, \$20,000 for the next 10, and \$30,000 in years 20-30.

Uncle Billy's will have half as many rooms as the Naniloa. So shouldn't the rent increase to at least half of the Naniloa rent by year 10?

If not, Tower should agree to price rooms at extremely low rates, affordable for residents and low income individuals in need.

testimony for items D 4 Country Club and D 5 Uncle Billy's
for State Board of Land and Natural Resources, 9 AM Friday, September 24, 2021
from Cory Harden, Hilo 333cory@gmail.com

Please ask these questions:

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UH Oceanographer Predicts Sharp Rise In High-Tide Flood Events By Mid-2030s, Environment Hawai'i, September 2021, p. 12, <https://www.environment-hawaii.org/?p=13809>

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Will Tower Development keep any affordable units affordable?

A group of residents in a Hilo housing project are expressing concern that they'll be evicted from their affordable units when Hawaii's eviction moratorium ends next month....[Tower CEO] Bushor said residents whose units are undergoing repairs can move to vacant ones. But, he said, "they might be expected to pay more."

Residents in Hilo condo fear rent hikes, being kicked out as state lifts eviction moratorium< Hawai'i News Now, July 16, 2021, <https://www.hawaiinewsnow.com/2021/07/17/fears-eviction-rent-hikes-waiakea-villas-state-lifts-eviction-ban/>

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Tower comment in staff submittal for Uncle Billy's, PDF p. 73

DLNR pays for all demolition if Dual Development Agreement is not approved by DLNR for such demolition costs.

Tower comment in staff submittal for Uncle Billy's, PDF p. 75

From: [Molimau Haunga](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] TESTIMONY IN OPPOSITION OF ITEMS D4 AND D5!!!!!!
Date: Wednesday, September 22, 2021 9:14:49 AM

Aloha,

My name is Molimau Haunga and I am a resident of Hilo, Hawaii. I am testifying in opposition to items D4 and D5 which would approve Tower Development's renovation proposal for Uncle Billy's and Country Club on Banyan Drive. Hilo does not need more hotel rooms, it needs affordable housing. It is unconscionable for the state to subsidize extractive tourism while the people, a disproportionate number of whom are Native Hawaiian, are suffering on the street due to lack of affordable housing. In fact, Tower Development, under the direction of CEO Ed Bushor, is currently forcing out long time low income residents of the nearby Waiakea Villas apartment complex, without offering alternative housing. Gentrification such as this causes homelessness.

RELATED ISSUES:

- *65 year lease-HB499
- *Land-lease monopoly: if awarded Tower Development will have control of a majority of land of Waiakea Kai
- *No environmental impact statement
- *\$833/month for prime property-padding profit margin of mainland corporation
- *200+ new hotel rooms in our community
- *Impacts of extractive tourism

Therefore I implore you to do what is best for Hawai'i's people by rejecting items D-4 and D-5. Do not allow Ed Bushor and Tower Development to continue to extract profit from our community at the expense of our people.

Mahalo,
Molimau Haunga
Hawaii Island

From: [Euliana Hudson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposing agenda items D4 & D5
Date: Wednesday, September 22, 2021 10:07:55 AM

Aloha e Chairperson Suzanne Case; State of Hawai'i Board of Land and Natural Resources; et al.

I, Euliana Hudson, a resident of Waimānalo, and a Native Hawaiian beneficiary OPPOSE plans to redevelop the former Uncle Billy's Hilo Bay Hotel AND the former Country Club Condominium Hotel in Hilo, Hawai'i.

This action would effectively alienate public and "ceded" lands from a trust established to, among other express purposes, serve Native Hawaiian beneficiaries; not divest them of historical land claims, drain their land trust inventory, and diminish the revenue otherwise available to better their conditions—all of which would happen if these properties were utilized for hotel developments and transient accommodation housing. These reasons alone counsel against supporting this measure.

The State has long been complicit in efforts to transfer certain parcels of "ceded" lands to third parties for the purpose of facilitating private, commercial development, and all too often to the detriment of Native Hawaiians. The trust vested in the Department of Land and Natural Resources (DLNR) to manage and administer the "ceded" lands subject to the trust obligations articulated in section 5(f) of the Admission Act—among them, "for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended"—is no less fulsome in 2021 than it was in 1959. The fact that approximately 30,000 native Hawaiians have been languishing on the Department of Hawaiian Home Lands (DHHL) waitlist for decades evidence unmet trust obligations deserving of more meaningful consideration with respect to the State's disposition of "ceded" lands.

In addition, the stark fact that a competing offer was submitted for an affordable housing development for kūpuna, and not considered for selection, proves again that the State fails the duties they are entrusted with as managers and administrators of "ceded" lands.

So long as native Hawaiian claims to ownership of the "ceded" lands remain outstanding and unresolved, and so long as there remains manifold evidence of the State's failure to meet its trust obligations to Native Hawaiians, prudence demands that the State's management and administration of the "ceded" lands trust inventory manifest, at all times, its fiduciary duties of due diligence and undivided loyalty to its beneficiaries. The plans in consideration here fail to accomplish that and underestimates the will and determination of the Native Hawaiian community to preserve, develop, and transmit to future generations their ancestral territory.

Sent from my iPhone

From: [David Hunt](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] TESTIMONY re: BANYAN DRIVE
Date: Wednesday, September 22, 2021 9:55:49 AM

I just heard from friends that BLNR is considering a 65+ year lease on Hilo Bay to Tower Development, a mainland corporation.

The tardiness and obscurity of this announcement for such a significant proposal is not acceptable.

I urge BLNR to deny / reject this lease or any permits for this proposal for the following reasons:

This project is not needed or necessary rather it is dangerously foolhardy.

This area is in a *Tsunami zone*.

This area WILL be significantly impacted by *sea level rise* - which IS a certainty. Does that mean ***ANYTHING*** to BLNR? Or will BLNR choose to not recognize and factor this fact into this decision. Regardless of the words spoken - *Actions* will tell.

If awarded, Tower Development would apparently gain control over the majority of the land at Waiakea kai - for \$833 MONTH. This is economically ridiculous and thus, unacceptable.

I am told that Tower Development wants to build a 200-room hotel. If this is correct, a full economic and environmental impact statement must be required.

, , &
Aloha, Peace, Love, & Music

David Hunt, Honoka'a, HI

From: [Megan Isaac](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSING ITEMS D-4 AND D-5 (regarding Country Club and Uncle Billy's) ON THE 9/24 AGENDA
Date: Tuesday, September 21, 2021 12:16:10 AM

RE: Items D-4 and D_5

Aloha

OPPOSING ITEMS D-4 AND D-5 (regarding Country Club and Uncle Billy's) ON THE 9/24 AGENDA

This is an example of a 'deal' that benefits only one or two parties and leaves the rest of the people without benefit.

More could be said but instead

that is 'all there is to say."

Aloha
Megan

From: [Debi Javar](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] RE: ZOOM MEETING 9/24/21 OPPOSE AGENDA ITEMS D4 AND D5
Date: Wednesday, September 22, 2021 10:58:03 PM

Aloha. I, Debra M Javar, resident of 'Ōlelomona, South Kona and a Native Hawaiian beneficiary, OPPOSE plans to develop the former Uncle Billy's and Country Club in Hilo, Hawai'i.

This action would effectively alienate public and "ceded" lands from a trust established to among other express purposes, serve Native Hawaiian beneficiaries; not divest them of historical land claims drain their land trust inventory, and diminish the revenue otherwise available to better their conditions--all of which would happen if these properties were utilized for hotel development and transient accommodation housing. These reasons alone council against supporting this measure.

Therefore, I STRONGLY OPPOSE AGENDA ITEMS D4 AND D5.

Mahalo for your kokua.

From: [Madisen Johnson](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Mom](#)
Subject: [EXTERNAL] In opposition of D-4 & D-5
Date: Wednesday, September 22, 2021 8:04:36 PM

Aloha,

My name is Maddy and I am a resident of North Kohala. I am testifying in opposition to items D4 & D5.

Hilo does not need more hotel rooms it needs safe and low income public housing!! And how dare you give away crown lands for pennies? That shows a disturbing lack of compassion for our people and our communities and reminds me of when nearly all of lanai was “swapped”/ gifted to a politicians friend for a few hundred acres on Oahu. Just the rich and powerful helping out the other rich and powerful.

Importantly, with covid the last thing we need is to become even more dependent on the tourism industry. We need affordable housing for locals so we can stop depending on tourism; they say these kinds of pandemics may become the new normal because of overpopulation and global travel, (I have studied public health and was previously a healthcare worker). We cannot cater to tourists and others until our own people have a safe and affordable place to live and sleep. And hopefully then, we can make strides toward becoming independently sustained, without relying on a constant influx of covid infected tourists. They we can open up for tourism when it is safe but know our peoples safety is not tied to tourist ratings.

Please I am begging you, do not give away any more crown land for tourism .

Thank you for you time

Sincerely,

Maddy

(96743)

From: [Joel Johnson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Tower Development on Crown Lands of "Uncle Billy"s in Hilo
Date: Wednesday, September 22, 2021 1:08:40 PM

Aoha,

My name is Joel Johnson, I am a resident of Oahu. I am testifying in opposition to items D4 and D5 which would approve Tower Development's renovation proposal for Uncle Billy's and Country Club on Banyan Drive. Hilo does not need more hotel rooms, it needs affordable housing. It is unconscionable for the State to subsidize extractive tourism while the community, a disproportionate number of whom are Native Hawaiian, are suffering on the street or spending huge percentages of their income on their housing, simply due to lack of affordable housing in the area. Ironically, Tower Development, under the direction of CEO Ed Bushor, is currently forcing out long time low income residents of the nearby Waiakea Villas apartment complex, without offering any option at alternative housing. Gentrification such as this pushes residents in our community to the brink, and could potentially push some into homelessness.

We all know that housing in Hawaii for our community members is a constant struggle and this issue is a hot button issue during every election cycle. It seems ludicrous to me to further exacerbate this problem by taking Crown Lands and developing more land for hotels. How many hotels is enough in Hawaii? Land is precious here, and for our State/Local governments to be subsidising hotels, not affordable housing makes absolutely no sense. The only benefactors from this decision will be: 1) The developer 2) Out of State Hotel owners and 3) Tourism. It seems to me that these three benefactors have been profiting off of Hawaii for far, far too long - particularly Ed Bushor - who has been doing this for a long time in Hawaii.

We MUST really think about the long term implications of this decision. Again - how many hotels are enough before we start adequately providing housing at reasonable prices for the community who actually live, breathe and protect Hawaii? The government must LEAD by their decisions - recognizing the needs of the community and providing solutions. This is the absolute opposite of that, and everyone knows it. There are very few people in Hawaii who will benefit from this decision.

Therefore I implore you to do what is best for Hawaii's people by rejecting items D4 and D5. Do not allow Ed Bushor and Tower Development to continue to extract profit from our community at the expense of our people.

Mahalo,
Joel Johnson
8082204479

From: [carol lee kamekona](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for 9/24/21 meeting
Date: Thursday, September 23, 2021 8:58:16 AM

Aloha,

My name is Carol Lee Kamekona and I live in Kahului, Maui but am from Keaukaha Homestead, Moku o Keawe.

I am testifying against allowing water to be given to Wailuku Water Company/Mahi Pono. For many years our kalo and kuleana farmers/landowners have been impacted with no resolution.

I am also against allowing any private owners to purchase crown lands. I believe this is item D4 and D5 on your agenda. Especially this entity (Tower) who is in default on one loan, trying to evict tenants on another property and then trying to purchase more shoreline property. 'A'ole!

Mahalo for receiving my testimony.
Carol Lee Kamekona

Sent from my iPhone

From: [Kawika Kane](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Oppose Agenda Items D4 and D5
Date: Thursday, September 23, 2021 8:25:52 AM

Aloha e Chairperson Suzanne Case; State of Hawai'i Board of Land and Natural Resources; et al.

I, Kawika Kane, a resident of Kapolei, HI, and a Native Hawaiian beneficiary OPPOSE plans to redevelop the former Uncle Billy's Hilo Bay Hotel AND the former Country Club Condominium Hotel in Hilo, Hawai'i.

This action would effectively alienate public and "ceded" lands from a trust established to, among other express purposes, serve Native Hawaiian beneficiaries; not divest them of historical land claims, drain their land trust inventory, and diminish the revenue otherwise available to better their conditions—all of which would happen if these properties were utilized for hotel developments and transient accommodation housing. These reasons alone counsel against supporting this measure.

The State has long been complicit in efforts to transfer certain parcels of "ceded" lands to third parties for the purpose of facilitating private, commercial development, and all too often to the detriment of Native Hawaiians. The trust vested in the Department of Land and Natural Resources (DLNR) to manage and administer the "ceded" lands subject to the trust obligations articulated in section 5(f) of the Admission Act—among them, "for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended"—is no less fulsome in 2021 than it was in 1959. The fact that approximately 30,000 native Hawaiians have been languishing on the Department of Hawaiian Home Lands (DHHL) waitlist for decades evidence unmet trust obligations deserving of more meaningful consideration with respect to the State's disposition of "ceded" lands.

In addition, the stark fact that a competing offer was submitted for an affordable housing development for kūpuna, and not considered for selection, proves again that the State fails the duties they are entrusted with as managers and administrators of "ceded" lands.

So long as native Hawaiian claims to ownership of the "ceded" lands remain outstanding and unresolved, and so long as there remains manifold evidence of the State's failure to meet its trust obligations to Native Hawaiians, prudence demands that the State's management and administration of the "ceded" lands trust inventory manifest, at all times, its fiduciary duties of due diligence and undivided loyalty to its beneficiaries. The plans in consideration here fail to accomplish that and underestimates the will and determination of the Native Hawaiian community to preserve, develop, and transmit to future generations their ancestral territory.

Respectfully,

Kawika Kane
Cell: 808-286-5323
Email: KawikaKane@gmail.com

--

Kawika Kane

Cell: 808-286-5323

www.linkedin.com/in/kawikakane

From: [Kawaipio Border](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Uncle Billy's Banyan Drive Hilo HEWA
Date: Wednesday, September 22, 2021 3:08:29 PM

Aloha,

As a native Hawaiian I OPPOSE THE LEASE OF UNCLE BILLY'S COUNTRY CLUB. This news is a disgrace, a NON Native Hawaiian private developer taking control of Uncle Billy's Country Club for just \$833.00 a MONTH! This is a total DISGRACE to ALL NATIVE AND NON HAWAIIANS whom are struggling to pay rent/mortgage for their current homes whom pay twice the amount that is being offered to Mr. Bushor. How will this lease benefit US NATIVE HAWAIIANS? WE ARE THE REASON YOU HAVE A RESPONSIBILITY WITH THE LANDS OF HAWAII!!!! Please give us HAWAIIANS more than just a job to make the tourist happy while we are struggling to live in our own 'AINA! I am AGAINST any lease at this price for prime lands to foreigners.

--

Kawaipio T. Kauahi
ASD Educational Assistant
South HI SpEd, KKP District

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From: [Liam Keanini](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony
Date: Thursday, September 23, 2021 4:08:18 AM

Regarding meeting on 9/24/21 @ 9AM via ZOOM: Agenda Items D4 and D5
SELECTION OF PROPOSAL SUBMITTED BY TOWER DEVELOPMENT, INC. IN
RESPONSE TO REQUEST FOR QUALIFICATIONS / REQUEST FOR PROPOSALS FOR
THE REPAIR, RENOVATION, AND OPERATION OF THE FORMER COUNTRY CLUB
CONDOMINIUM HOTEL, HILO, ISLAND OF HAWAII
AND
SELECTION OF PROPOSAL SUBMITTED BY TOWER DEVELOPMENT, INC. IN
RESPONSE TO REQUEST FOR QUALIFICATIONS / REQUEST FOR PROPOSALS FOR
THE: DEMOLITION / PARTIAL DEMOLITION AND / OR REPAIR / RENOVATION;
AND (2) OPERATION OF THE FORMER UNCLE BILLY'S HILO BAY HOTEL, HILO,
ISLAND OF HAWAII

September 23, 2021

Aloha e Chairperson Suzanne Case; State of Hawai'i Board of Land and Natural Resources; et al.

I, Liam Keanini, a resident of Puako, and a Native Hawaiian beneficiary OPPOSE plans to redevelop the former Uncle Billy's Hilo Bay Hotel AND the former Country Club Condominium Hotel in Hilo, Hawai'i.

This action would effectively alienate public and "ceded" lands from a trust established to, among other express purposes, serve Native Hawaiian beneficiaries; not divest them of historical land claims, drain their land trust inventory, and diminish the revenue otherwise available to better their conditions—all of which would happen if these properties were utilized for hotel developments and transient accommodation housing. These reasons alone counsel against supporting this measure.

The State has long been complicit in efforts to transfer certain parcels of "ceded" lands to third parties for the purpose of facilitating private, commercial development, and all too often to the detriment of Native Hawaiians. The trust vested in the Department of Land and Natural Resources (DLNR) to manage and administer the "ceded" lands subject to the trust obligations articulated in section 5(f) of the Admission Act—among them, "for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended"—is no less fulsome in 2021 than it was in 1959. The fact that approximately 30,000 native Hawaiians have been languishing on the Department of Hawaiian Home Lands (DHHL) waitlist for decades evidence unmet trust obligations deserving of more meaningful consideration with respect to the State's disposition of "ceded" lands.

In addition, the stark fact that a competing offer was submitted for an affordable housing development for kūpuna, and not considered for selection, proves again that the State fails the duties they are entrusted with as managers and administrators of "ceded" lands.

So long as native Hawaiian claims to ownership of the "ceded" lands remain outstanding and unresolved, and so long as there remains manifold evidence of the State's failure to meet its

trust obligations to Native Hawaiians, prudence demands that the State's management and administration of the "ceded" lands trust inventory manifest, at all times, its fiduciary duties of due diligence and undivided loyalty to its beneficiaries. The plans in consideration here fail to accomplish that and underestimates the will and determination of the Native Hawaiian community to preserve, develop, and transmit to future generations their ancestral territory.

From: [Melina Keawe](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Tower Development, Inc getting the Public Lands/Crown Lands lease
Date: Tuesday, September 21, 2021 7:59:39 PM

Board of Land and Natural Resources,

I, Dana Keawe, am writing to inform the BLNR I am **Strongly Opposed** to Tower Development, a private developer, from leasing Public Lands/Crown Lands on Hawai'i island in the district of Hilo/Bayfront. Especially since Tower Development has been failing to pay rent on the current leases they hold!

Their current leases should be revoked immediately for non payment of rent. ie If a renter doesn't pay their rent they get evicted.

It is an absolute atrocity that the monthly rent for these Public Lands/Crown Lands in Hilo is only \$833.00 a month!

I pay over a \$1,000. a month to rent a 1 bedroom apartment in Puna!

There is a housing crisis on Hawai'i island and throughout the State of Hawai'i.

We need affordable housing for Hawai'i residents, not more hotels for tourists.

BLNR, I humbly ask that you all do the pono thing and **VOTE NO** and **DO NOT** approve Tower Development's bid to lease Hilo Bayfront Public Lands/Crown Lands.

Sincerely,

Dana Keawe
danakeawe@gmail.com
(808)315-1237

From: [sharon kershner](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Public Lands Lease; Coastal Hilo
Date: Tuesday, September 21, 2021 9:06:26 AM

I respectfully testify to CONSIDER CAREFULLY the trajectory of your decisions. Tower has already shown it's hewa and should not be Rewarded and invited to abuse more of the precious Aina of Hawaii. A'ole enough is enough. Please encourage and support KANAKA and Hawaiians efforts to create ETHICAL & MORAL tourism and interactions between our visitors and the tax paying locals, with kuleana for the aina. Please DO NOT BE LAZY or God forbid, corrupted. Please. Think outside the box and evolve the land uses and the industries of our Aina.

Mahalo
Sharon Lyn Kershner
Waimanalo.

Sent from my iPhone

From: mak221@aol.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Questions that weren't asked of Tower and MUST BE. Testimony is opposition to Tower proposal
Date: Thursday, September 23, 2021 4:28:10 AM

Testimony against Tower proposal by Mark Koppel, POBox 283, Hakalau, HI

testimony for items D 4 Country Club and D 5 Uncle Billy's
for State Board of Land and Natural Resources, 9 AM Friday, September

Did Tower Development make good on payments to a subcontractor?

A subcontractor who worked on the Grand Naniloa Hotel construction project is suing the hotel, its developer and the project's general contractor, claiming nonpayment of \$754,000 for work it performed during the Banyan Drive property's makeover....defendants include ...Tower Development....

<https://www.westhawaii.com/2018/01/27/hawaii-news/subcontractor-sues-naniloas-general-contractor-developer/>

Did Tower Development remedy numerous building, electrical, and plumbing code violations at the Naniloa Hotel and Naniloa golf course?

May 11, 2015 letter from Public Works to Tower Development, <https://dlnr.hawaii.gov/wp-content/uploads/2017/01/D-3-1.pdf> p. 19 ff

How will sea level rise affect the hotels during flood events and tsunamis—structural integrity, livability, cesspools?

From the mid-30s to the start of 2040, under Thompson's "most likely" scenario, the trend in the number of high-tide flooding days will take a sharp upward swing, going from around 20 such events per year to nearly 80. "The switch will flip" in the mid-30s, Thompson said. "Expect to see a quadrupling from 2030 to 2040."

UH Oceanographer Predicts Sharp Rise In High-Tide Flood Events By Mid-2030s, Environment Hawai'i, September 2021, p. 12, <https://www.environment-hawaii.org/?p=13809>

Where will current renters go? How many affordable rental units will be lost?

Will Tower Development keep any affordable units affordable?

A group of residents in a Hilo housing project are expressing concern that they'll be evicted from their affordable units when Hawaii's eviction moratorium ends next month....[Tower CEO] Bushor said residents whose units are undergoing repairs can move to vacant ones. But, he said, "they might be expected to pay more."

Residents in Hilo condo fear rent hikes, being kicked out as state lifts eviction moratorium< Hawai'i News Now, July 16, 2021, <https://www.hawaiinewsnow.com/2021/07/17/fears-eviction-rent-hikes-waiakea-villas-state-lifts-eviction-ban/>

Tower recently acquired the dilapidated Waiakea Villas in Hilo and is completing a full renovation of the exterior and interior units to allow renters to experience brand new apartment units.

Tower comment in staff submittal for Uncle Billy's, PDF p. 70

Do we really want a multinational hotel chain on Banyan Drive?

Isn't an EA or EIS required?

TDI proposes to...substantially renovate and repair the remaining structures... [have] WHR LLC sublease a portion of the golf course under GL5844 to TDI for parking... elements of TDI's proposal include: (1) allowing up to one acre of the golf course portion of GL5844 to be used as public parking for the Reed's Bay Park, (2) providing up to one acre of additional golf course lands to be used as trails through the golf course from the corner of Banyan Drive and Highway 10 to the southern side of the golf course at a location to be determined by Hilo Bayfront Trails; and (3) dedicating the rest of the golf course to the Department and the County for future public uses.

Staff submittal for Uncle Billy's, PDF pp. 2-3

TDI proposes to retain existing building envelopes, demolish current interior improvements and exterior cosmetic and deferred maintenance items and substantially renovate the balance of the project. *[plus 1 – 3 as for Uncle Billy's]*

Staff submittal for Country Club, PDF p. 2

Why does Tower propose linking the two projects when DLNR has stated this will not be done?

...submissions for each project will be evaluated independently from the other.

DLNR comment in staff submittal for Uncle Billy's, PDF p. 43

THIS RENT STRUCTURE ALSO ASSUMES A DEVELOPMENT AGREEMENT FOR UNCLE BILLY'S AND COUNTRY CLUB ARE BOTH COMPLETED WITH TOWER AND DLNR. IF WE ARE ABLE TO DO BOTH DEVELOPMENTS, WE CAN UNDERWRITE ABSORBING ALL OF THE STATE COSTS THAT HAVE BEEN ESTIMATED BY THE STATE RELATING TO UNCLE BILLYS.

Tower comment in staff submittal for Uncle Billy's, PDF p. 73

DLNR pays for all demolition if Dual Development Agreement is not approved by DLNR for such demolition costs.

Tower comment in staff submittal for Uncle Billy's, PDF p. 75

From: mak221@aol.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Questions that weren't asked of Tower and MUST BE. Testimony is opposition to Tower proposal
Date: Thursday, September 23, 2021 4:28:10 AM

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THIS RENT STRUCTURE ALSO ASSUMES A DEVELOPMENT AGREEMENT FOR UNCLE BILLY'S AND COUNTRY CLUB ARE BOTH COMPLETED WITH TOWER AND DLNR. IF WE ARE ABLE TO DO BOTH DEVELOPMENTS, WE CAN UNDERWRITE ABSORBING ALL OF THE STATE COSTS THAT HAVE BEEN ESTIMATED BY THE STATE RELATING TO UNCLE BILLYS.

Tower comment in staff submittal for Uncle Billy's, PDF p. 73

DLNR pays for all demolition if Dual Development Agreement is not approved by DLNR for such demolition costs.

Tower comment in staff submittal for Uncle Billy's, PDF p. 75

From: [kristi kranz](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Leasing public lands to private develops
Date: Tuesday, September 21, 2021 10:27:39 AM

Aloha, BLNR

As a citizen of Hawaii who is concerned about our Public Lands, I object to the lease of Public Lands to the developer Tower for \$883 month. These are Crown Lands and not for sale or for lease.

Mahalo, Kristi Kranz

From: [Lizzy Laliberty](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony in OPPOSITION to items D-4 and D-5
Date: Thursday, September 23, 2021 6:42:09 AM

Aloha Boardmembers,

Please find my written testimony in OPPOSITION to items D-4 and D-5 below.

My name is Liz Laliberte and I am a resident of Hilo. I strongly oppose this lease approval. The main reason is there will be no benefit to the community. In fact, the harms that will be done to the character of the Banyan drive community, as well as to the ability of current residents to afford their rent are significant and can't be brushed aside. Furthermore, Hilo does not need more hotel rooms, it needs affordable housing. It is unconscionable for the state to subsidize extractive tourism while the people, a disproportionate number of whom are Native Hawaiian, are suffering on the street due to lack of affordable housing. In fact, Tower Development, under the direction of CEO Ed Bushor, is currently forcing out long time low income residents of the nearby Waiakea Villas apartment complex, without offering alternative housing. Gentrification such as this causes homelessness.

Therefore I implore you to do what is best for Hawai'i's people by rejecting items D-4 and D-5. Do not allow Ed Bushor and Tower Development to continue to extract profit from our community at the expense of our people.

Mahalo,
Liz Laliberte
Hilo

From: [Maile Lavea-Malloe](#)
To: [DLNR, BLNR Testimony](#)
Cc: [J Malloe](#)
Subject: [EXTERNAL] Testimony in opposition to agenda items D-4 and D-5
Date: Tuesday, September 21, 2021 9:46:52 PM

Aloha e BLNR,

My husband, J. Malloe Jr., and myself, Maile Lavea-Malloe, are long time residents and active community members in the ahupuaa of Waiakea, and are submitting our testimonies in opposition to agenda items D-4 and D-5 of the BLNR Land Board Meeting set for September 24, 2021.

4. Approve Evaluation Committee's Recommendation for Selection of Proposal Submitted by Tower Development, Inc. in Response to Request for Qualifications / Request for Proposals for the Repair, Renovation, and Operation of the Former Country Club Condominium Hotel, Hilo, Island of Hawaii, Hawaii, Tax Map Key: (3) 2-1-005:020.
The Request for Qualifications/Request for Proposals was issued pursuant to the prior Board Action of December 13, 2019, Item D-2: Authorize the Issuance of a Request for Qualifications / Request for Proposals for Lease of Improved Public Lands; Waiakea, South Hilo, Hawaii, Tax Map Key: (3) 2-1-005:020.

5. Approve Evaluation Committee's Recommendation for Selection of Proposal Submitted by Tower Development, Inc. in Response to Request for Qualifications / Request for Proposals for the: Demolition / Partial Demolition and / or Repair / Renovation; and (2) Operation of the Former Uncle Billy's Hilo Bay Hotel, Hilo, Island of Hawaii, Hawaii, Tax Map Keys: (3) 2-1- 005: 033, 034, 035 and 045.
The Request for Qualifications/Request for Proposals was issued pursuant to the prior Board Action of December 13, 2019, Item D-3: Authorize the Issuance of a Request for Qualifications / Request for Proposals for Lease of Improved Public Lands; Waiakea, South Hilo, Hawaii, Tax Map Keys: (3) 2-1-005: 033, 034, 035, and 045.

During this time of economic uncertainty, many families are having to make tough decisions based out of fear and/or necessity. "Uncle Billy's" currently houses several low-income families who are already on Section-8. With the coming of rental evictions and home foreclosures, our island home will soon face an uptick in houselessness like we have never seen before. This proposal does not seek to directly benefit our island community, rather it will contribute to the displacement of many of our local families.

The RFP says nothing about regenerative tourism which is what the community truly wants and needs. The RFP should include clear language about regenerative tourism, circular economy and community based tourism not just profit.

We have an opportunity to do this differently; to do this better; we need to push the reset button on this development and do it with better vision for the benefit of the community. The 'Aina Aloha Economic Futures Assessment Tools has brilliant manao regarding these desires of our community:

https://urldefense.com/v3/_https://docs.google.com/spreadsheets/u/0/d/1bnzR_ytvHYBTXnTcTjA2u7NbnYD74FczXu2WY_7bEI/htmlview_...!1Y5dFgckKAtnbTu7pTBnKW117x3J44_OXCcap0zJNxm_1QSZOwEoUM6STcNWpklbtWURiMKB_IJL_ccl.tc5

Tower proposes to receive free lease rent until they open for business (could be years) and first year free) and then only \$10K for first ten years (\$833/month for the entire prime land), then only \$20k/year for next 10 years.

We firmly request that the BLNR not Approve agenda items D-4 and D-5 and develop a comprehensive Request For Proposal that specifically addresses community needs around a regenerative tourism model and reassess what is "highest and best use" for these precious Crown Lands and for the Hilo community.

Mahalo,
Maile Lavea-Malloe

**STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES
CHAIRPERSON SUZANNE D. CASE & PRESIDING MEMBERS**

Regarding meeting on 9/24/21 @ 9AM via ZOOM AGENDA ITEMS D4 AND D5 SELECTION OF PROPOSAL SUBMITTED BY TOWER DEVELOPMENT, INC. IN RESPONSE TO REQUEST FOR QUALIFICATIONS / REQUEST FOR PROPOSALS FOR THE REPAIR, RENOVATION, AND OPERATION OF THE FORMER COUNTRY CLUB CONDOMINIUM HOTEL, HILO, ISLAND OF HAWAII AND SELECTION OF PROPOSAL SUBMITTED BY TOWER DEVELOPMENT, INC. IN RESPONSE TO REQUEST FOR QUALIFICATIONS / REQUEST FOR PROPOSALS FOR THE: DEMOLITION / PARTIAL DEMOLITION AND / OR REPAIR / RENOVATION; AND (2) OPERATION OF THE FORMER UNCLE BILLY'S HILO BAY HOTEL, HILO, ISLAND OF HAWAII

Aloha Chairperson Suzanne Case and Members; State of Hawai'i Board of Land and Natural Resources,

I, Desiree Lee, a resident of Waipahu, on the island of Oahu, and a Native Hawaiian beneficiary **OPPOSE plans to redevelop the former Uncle Billy's Hilo Bay Hotel AND the former Country Club Condominium Hotel in Hilo, Hawai'i.**

This action would effectively alienate public and "ceded" lands from a trust established to, among other express purposes, serve Native Hawaiian beneficiaries; not divest them of historical land claims, drain their land trust inventory, and diminish the revenue otherwise available to better their conditions—all of which would happen if these properties were utilized for hotel developments and transient accommodation housing. These reasons alone counsel against supporting this measure.

The State has long been complicit in efforts to transfer certain parcels of "ceded" lands to third parties for the purpose of facilitating private, commercial development, and all too often to the detriment of Native Hawaiians. The trust vested in the Department of Land and Natural Resources (DLNR) to manage and administer the "ceded" lands subject to the trust obligations articulated in section 5(f) of the Admission Act—among them, **"for the betterment of the conditions of native Hawaiians**, as defined in the Hawaiian Homes Commission Act, 1920, as amended"—is no less fulsome in 2021 than it was in 1959. The fact that approximately 30,000 native Hawaiians have been languishing on the Department of Hawaiian Home Lands (DHHL) waitlist for decades evidence unmet trust obligations deserving of more meaningful consideration with respect to the State's disposition of "ceded" lands.

In addition, **the stark fact that a competing offer was submitted for an affordable housing development for kūpuna, and not considered for selection**, proves again that the State fails the duties they are entrusted with as managers and administrators of "ceded" lands.

So long as native Hawaiian claims to ownership of the "ceded" lands remain outstanding and unresolved, and so long as there remains manifold evidence of the State's failure to meet its trust obligations to Native Hawaiians, prudence demands that the State's management and administration of the "ceded" lands trust inventory manifest, at all times, its fiduciary duties of due diligence and undivided loyalty to its beneficiaries. **The plans in consideration here fail to accomplish that and underestimate the will and determination of the Native Hawaiian community to preserve, develop, and transmit to future generations their ancestral territory.**

Therefore, your deep consideration to oppose the aforementioned redevelopment plans is significance for the betterment of the Native Hawaiian Peoples. Mahalo for this opportunity and your time.

Written Testimony

Dated: September 22, 2021

(Time stamp captured via Email send record)

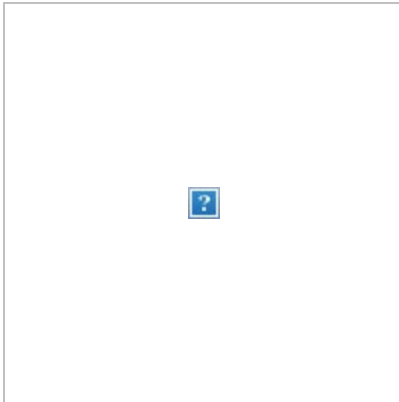
From: [Charlotte Leger](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] testimony against proposed development on Banyan drive
Date: Tuesday, September 21, 2021 8:54:14 PM

Hi there, thank you so much for considering this testimony.

I am in opposition of the proposed plan by Tower to lease/develop Waiakea Kai. There hasnt been enough time for public input and Tower has had an unfair advantage in the process. We need to have a comprehensive community-based plan for the future of regenerative tourism in Hilo.

Thank you!

--



Charlotte Leger

www.haumeacollective.org

Now accepting applications for subsidized postpartum meal support!

From: [Nanea Lo](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Oppose - Agenda Item D-4 and D-5 - The Board of Land and Natural Friday, September 24, 2021 at 9 am.
Date: Wednesday, September 22, 2021 9:44:50 AM

Hello,

My name is Nanea Lo and I am a resident of Mō'ili'ili, O'ahu. I am testifying in opposition to items D4 and D5 which would approve Tower Development's renovation proposal for Uncle Billy's and Country Club on Banyan Drive. Hilo does not need more hotel rooms, it needs affordable housing. It is unconscionable for the state to subsidize extractive tourism while the people, a disproportionate number of whom are Native Hawaiian, are suffering on the street due to lack of affordable housing. In fact, Tower Development, under the direction of CEO Ed Bushor, is currently forcing out long time low income residents of the nearby Waiākea Villas apartment complex, without offering alternative housing. Gentrification such as this causes homelessness.

Therefore I implore you to do what is best for Hawaii's people by rejecting items D-4 and D-5. Do not allow Ed Bushor and Tower Development to continue to extract profit from our community at the expense of our people.

me ke aloha 'āina,

--

Nanea Lo
Phone: (808)454-3504
Email: naneaclo@gmail.com
www.nanealo.com

Some people say that Hawai'i will be a better place when Hawaiians no longer stand in the way of progress. But even these people must know that at this point, this will no longer be Hawai'i.- Jonathan Kay
Kamakawiwo'ole Osorio. The Value of Hawai'i

From: [Joy A Loo](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D5
Date: Wednesday, September 22, 2021 4:45:15 PM

My name is Joy A Loo, I am a life long resident of Hawai'i Island, I am Kanaka Maoli. I am writing in OPPOSITION of Tower Development, Inc getting the lease on the proposed lands on Banyan Drive, the former Uncle Billy's property & the Country Club condo-hotel property. I do not believe it would serve the best interest of the community, the island, or the pae aina. If you look at the numbers alone- \$833. a month, after a whole year free-for ocean front property. That's ridiculous. A house lot is more than that anywhere, let alone ocean front property. I cannot imagine how any contributing member of society would see agenda item D5 as a benefit to the community & I, again am saying NO to Tower Development having ANY lease. I OPPOSE!

Joy A Loo
mcleodj003@hawaii.rr.com
808-987-1447

From: [Cynthia Luafalemana](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Tower proposal
Date: Tuesday, September 21, 2021 7:04:05 PM

Aloha committee,

My name is Cynthia Luafalemana from the island of Molokai. I just can't fathom why our government continues to lease lands to private sectors when we can't even lease those lands to the Hawaiian people whom are the true descendants of this lands. It is so shameful that our Kanaka Maoli are houseless not homeless. They are the people of this land. They deserve to have first hand to any property of Hawaii.

Money is the issue because our government does not know how to budget properly. Our Native Hawaiians need to feel the aina and the wai in order to thrive in a place they call home, not another foreign investors! Imagine if every Hawaiian had a piece of land to mālama and to have a sense of belonging, there would be less of our native Hawaiians in jail and house less!

I ask that as government officials you start changing your ways of development and policy making and start being the first to say, "enough already, Hawaiians need these lands more than outsiders!" Always ask yourself, "what would our kings and queens say? What would our ancestors say?"

Make the pono decision, say no to the development and stop leasing lands that rightfully belongs to every Native Kanaka Maoli!

Mahalo Nui,
Cynthia Luafalemana

Sent from my iPhone

From: [pah](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE AGENDA D4 AND D5
Date: Wednesday, September 22, 2021 8:45:20 AM

Oppose Agenda Items D4 and D5

Aloha e Chairperson Suzanne Case; State of Hawai'i Board of Land and Natural Resources; et al.

I, Pannelopi McKenzie, a resident of Maui, OPPOSE plans to redevelop the former Uncle Billy's Hilo Bay Hotel AND the former Country Club Condominium Hotel in Hilo, Hawai'i.

This action would effectively alienate public and "ceded" lands from a trust established to, among other express purposes, serve Native Hawaiian beneficiaries; not divest them of historical land claims, drain their land trust inventory, and diminish the revenue otherwise available to better their conditions—all of which would happen if these properties were utilized for hotel developments and transient accommodation housing. These reasons alone counsel against supporting this measure.

The State has long been complicit in efforts to transfer certain parcels of "ceded" lands to third parties for the purpose of facilitating private, commercial development, and all too often to the detriment of Native Hawaiians. The trust vested in the Department of Land and Natural Resources (DLNR) to manage and administer the "ceded" lands subject to the trust obligations articulated in section 5(f) of the Admission Act—among them, "for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended"—is no less fulsome in 2021 than it was in 1959. The fact that approximately 30,000 native Hawaiians have been languishing on the Department of Hawaiian Home Lands (DHHL) waitlist for decades evidence unmet trust obligations deserving of more meaningful consideration with respect to the State's disposition of "ceded" lands.

In addition, the stark fact that a competing offer was submitted for an affordable housing development for kūpuna, and not considered for selection, proves again that the State fails the duties they are entrusted with as managers and administrators of "ceded" lands.

So long as native Hawaiian claims to ownership of the "ceded" lands remain outstanding and unresolved, and so long as there remains manifold evidence of the State's failure to meet its trust obligations to Native Hawaiians, prudence demands that the State's management and administration of the "ceded" lands trust inventory manifest, at all times, its fiduciary duties of due diligence and undivided loyalty to its beneficiaries. The plans in consideration here fail to accomplish that and underestimates the will and determination of the Native Hawaiian community to preserve, develop, and transmit to future generations their ancestral territory.

Thank you, Pannelopi McKenzie

--

Blessed be your day and all that you do!

From: [Nikhil Narahari](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Hilo Crown Lands Lease
Date: Wednesday, September 22, 2021 12:24:48 PM

Aloha,

I am writing to communicate my support for the leasing of the lands on Banyan Drive to Tower for development.

Thank you,

Nikhil

From: [Jen.n](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposing proposal
Date: Tuesday, September 21, 2021 8:40:56 PM

Aloha,

I am writing my testimony regarding the lease of the crown lands. I understand that you're looking at this in a monetary way but you need to understand that we are losing our lands. I am part native Hawaiian and also work in construction so I also see the monetary way. The future though will only hurt us. The more you give away the less we will have and there will be nothing left for the people of Hawaii. Please take that into consideration. How much do we give and not get in return. Most are leaving the islands because we are getting run out of our own lands. We need to keep what we can and use it for our communities something for the people. You don't always have to build on the land we can build more farms be more self sufficient off our lands. Just please take into consideration those things. Really think about us natives.

Mahalo for your time,

Jennifer

--

Jennifer Newbrey

From: [Jeff Clark](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] TESTIMONY IN OPPOSITION TO AGENDA ITEMS D4 and D5 BEFORE THE DLNR LAND DIVISION
Date: Wednesday, September 22, 2021 7:48:29 PM
Attachments: [Olson-Complaint.pdf](#)

To: Board of Land and Natural Resources
Land Division

From: Olson/Naniloa LLC

Date: September 22, 2021

Subject: RE: TESTIMONY OF OLSON/NANILOA LLC REGARDING PROPOSED REDEVELOPMENT OF THE HILO COUNTRY CLUB CONDOMINIUM HOTEL AND UNCLE BILLY'S HILO BAY HOTEL SITES BY TOWER DEVELOPMENT

The following testimony stands in opposition to items numbered D-4 and D-5 on the Agenda before the Land Division.

Olson/Naniloa LLC ("O/N") is a member of WHR, LLC., which owns the Grand Naniloa Hotel. O/N recently learned from news media accounts that Tower Development Inc. ("Tower"), a manager of WHR, LLC, is pursuing efforts to gain the right to redevelop the Country Club Condominium Hotel ("CCCH") and Uncle Billy's Hilo Bay Hotel ("Uncle Billy's") (collectively the "Projects").

In O/N's view, these plans, which entail using assets that belong (in leasehold) to WHR, clearly violate the current Operating Agreement of WHR, LLC. O/N has expressed its opposition to the Projects to Tower. However, Tower has ignored O/N's complaints. Therefore, Olson/Naniloa has filed a lawsuit against Tower's leadership (Messrs. Bushor and Miller) who, as Tower's affiliates, are forbidden to pursue development of potentially competitive properties. A copy of that lawsuit is attached.

In addition, as required under the Operating Agreement, Olson/Naniloa has initiated a private mediation against Tower. In both proceedings, Olson/Naniloa is seeking rulings that will bar Tower from proceeding and/or using any of WHR's assets to facilitate the two Projects.

To avoid any misunderstanding about whether and how Tower can proceed, and whether WHR's assets can be used to support the development of the Projects, we urge the Board NOT to approve any proposal pending resolution of the pending litigation and mediation.

Olson/Naniloa LLC

Jeff Clark

Chief Operating Officer – Edmund C. Olson Trust No. 2
Office: 808-882-1116
Cell: 808-313-1391

From: [Janice Glennie](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] No long, cheap lease for Waiakea developer
Date: Wednesday, September 22, 2021 9:22:58 AM

Aloha board members,

I'm disturbed to see that the state is considering providing a 65-year lease to a mainland developer at a jaw-dropping \$833/month (or, frankly, for any price). This is even more ludicrous considering that some residents can't find a small apartment to rent for that price.

Before embarking on this wild, sea level rise-denying venture, Hilo needs a comprehensive, community-based plan similar to the ones (but even more specific) that our island's regions have in their Community Development Plans (CDPs). If they don't, and if there isn't, taxpayers are the ones who'll get stuck with bills for the damages for which this developer could be setting the stage.

Mixed use is fantastic and Hilo has opportunities to build upon what's already a fairly mixed use town. My 'Ohana enjoys staying at the Hilo hotels in this area as a getaway from Kona where we can bike to lunch, watch native birds fishing by the shore, and see families playing in the green spaces between the hotels and downtown proper without getting into our car.

Without a community-based development plan, it's hard to imagine that a mainland (or any) developer would come up with a plan that fits with the lifestyle and heritage of the town, no less will plan well for sea level rise — unless they're mandated to do so.

Please give this lease and development plan a flat thumbs down: Say "No" to providing a lease agreement to Tower Development.

Mahalo and sincerely,
Janice Palma-Glennie

Janice Palma-Glennie
P.O. Box 4849
Kailua-Kona, Hawai'i 96745

Tel#808-324-0093
Cell#808-989-3549

From: [Tamara Paltin](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] 9/24/21 Agenda Item D4
Date: Tuesday, September 21, 2021 8:27:51 AM

Aloha e Board Members,

Mahalo for your service. I wanted to offer testimony in opposition of granting a lease of Hawaii Crown Lands to Tower Development. Of the three applicants who submitted timely applications, I would support MacDonald Ladd Development LLC (MLD) and their proposal to convert the subject property into 65 affordable apartments for our kūpuna. As stated in the materials Tower Development already has the lease for Grand Naniloa and the Golf Course and I do not believe helping them move towards a monopoly on Banyan Drive will best serve the residents of Hilo. I would also ask that prior to giving anymore leases to Tower Development that Board Members ensure that the entity is current with all rents due on their current leases before issuing any more. My second choice to award the lease is to Pagoda Hilo Bay LLC (PHB) due to their proposal to offer long term rental for a period of time. I think that since these are Crown Lands we need to think of the community benefit involved in development and not only the profit of a corporation.

Mahalo for the opportunity to submit testimony on this matter.

Tamara Paltin

From: [Lisa Pana](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] IN OPPOSITION of Tower Development
Date: Wednesday, September 22, 2021 7:38:23 AM

Aloha,

My name is Lisa Pana and I am a resident of Hilo, Hawaii. I am testifying in opposition to items D4 and D5 which would approve Tower Development's renovation proposal for Uncle Billy's and Country Club on Banyan Drive. Hilo does not need more hotel rooms, it needs affordable housing. It is unconscionable for the state to subsidize extractive tourism while the people, a disproportionate number of whom are Native Hawaiian, are suffering on the street due to lack of affordable housing. In fact, Tower Development, under the direction of CEO Ed Bushor, is currently forcing out long time low income residents of the nearby Waiakea Villas apartment complex, without offering alternative housing. Gentrification such as this causes homelessness.

RELATED ISSUES:

- *65 year lease-HB499
- *Land-lease monopoly: if awarded Tower Development will have control of a majority of land of Waiakea Kai
- *No environmental impact statement
- *\$833/month for prime property-padding profit margin of mainland corporation
- *200+ new hotel rooms in our community
- *Impacts of extractive tourism

Therefore I implore you to do what is best for Hawai'i's people by rejecting items D-4 and D-5. Do not allow Ed Bushor and Tower Development to continue to extract profit from our community at the expense of our people.

Mahalo,
Lisa Pana
Hawaii Island

From: [Jenna P](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Uncle Billy's Country Club lease
Date: Wednesday, September 22, 2021 8:49:27 PM

Aloha BLNR,

I strongly oppose the leasing of Uncle Billy's Country club to Tower Development Inc. This is public crown lands and the community has every right to decide how the land can be in use. Hotel development should not be the only narrative. Consider speaking to the community before leasing the land.

Mahalo for your consideration,

Jenna Patague

From: [Regina Peterson](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Tower Development Inc
Date: Monday, September 20, 2021 11:22:50 PM

Aloha,

I am writing in opposition to Tower Development Inc leasing stolen public lands. No, you have no right to lease any of these lands unless WE the people of Hawai'i say so....and we say NO!!!

Mahalo,

Regina Peterson

From: [Edward Pelekai](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to granting tower development, Inc lease
Date: Thursday, September 23, 2021 8:44:37 AM

Aloha,

To whom it may concern.

My name is Edward Pelekai and I'm a registered voter. I write to you today to express my opposition to granting Tower Development, Inc Uncle Billy's lease.

Mahalo

Edward Pelekai

From: [KwaiChang Publico](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] "A"ole Tower Development
Date: Wednesday, September 22, 2021 10:32:47 PM

Aloha,

My name is Kwai-Chang Publico and I am a resident of Hilo. I am testifying in opposition to items D4 and D5 which would approve Tower Development's renovation proposal for Uncle Billy's and Country Club on Banyan Drive. Hilo does not need more hotel rooms, it needs affordable housing. It is unconscionable for the state to subsidize extractive tourism while the people, a disproportionate number of whom are Native Hawaiian, are suffering on the street due to lack of affordable housing. In fact, Tower Development, under the direction of CEO Ed Bushor, is currently forcing out long time low income residents of the nearby Waiakea Villas apartment complex, without offering alternative housing. Gentrification such as this causes homelessness.

the 65 year lease/unfairness to other prospective developers due to ACT 222 coming into effect after the RFP, which offers discounted rent/land lease monopoly/no environmental impact statement/\$833 a month rent for prime property/200+ new hotel rooms for community/Tower's failure to pay rent on time for existing lease on Naniloa/housing instability for low income residents of Country Club/AND not to mention i worked directly for Mr. Bushor for approximately 1year (2017) and have first hand experiences as to the ways in which he and Tower conduct business.

Therefore I implore you to do what is best for Hawai'i's people by rejecting items D-4 and D-5. Do not allow Ed Bushor and Tower Development to continue to extract profit from our community at the expense of our people.

Also I will be on zoom for oral testimony

Mahalo,
Kwai-Chang Publico

Sent from my iPhone

From: [Laura Ramirez](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda Item D5
Date: Wednesday, September 22, 2021 7:55:35 PM

Aloha,

Please hear and record our strong opposition to Tower Development, Inc getting the lease of Crown Lands. Hawai'i does not need another private developer raiding our public lands for profit only to benefit tourists that overcrowd and pollute our islands.

Keep Hawaiian Lands in Hawaiian Hands!

No more land theft by outsiders with no sense of responsibility or kuleana to protect and care for the aina, natural resources, endangered species, and fragile environment of our precious islands.

They have taken and been given more than enough at the expense of native Hawaiians and locals for far too long.

These 65 year leases at ridiculously low rents amount to shady backroom deals and theft. It is time to right the wrongs of the past and move forward in justice and good faith.

Mahalo,

Laura Ramirez and the Bettencourt family

4510 Kawaihau Road

Kapa'a, HI 96746



HOUSE OF REPRESENTATIVES
REPRESENTATIVE RICHARD H.K. ONISHI; DISTRICT 3
STATE OF HAWAII
STATE CAPITOL
415 SOUTH BERETANIA STREET; Room 438
HONOLULU, HAWAII 96813

September 23, 2021

DLNR Board Members,

Subject: Testimony for September 24, 2021 DLNR Board Meeting – Agenda Items: D4 & D5

I am asking that the Board reject the selection of the proposals recommended by the DLNR Administration and request that the Administration revise the RFPs for the properties to include the consideration of ACT 222 (SB1166) and ACT 236 (HB499) which passed after the RFPs were initially released and the requirement of proposal submissions that were due on November 30, 2020.

I believe that had the new laws been in place and those new provisions included when the RFPs were written, the Department would have received additional proposals from other developers who would have been able to utilize those new provisions to submit a proposal that they might have not been able to do given the conditions prior to the changes in law.

Since the RFP was written, we have endured through the shutdown, startup and shutdown again of the visitor industry. The State, the visitor industry and community stakeholders have been focused on addressing the sustainability and regeneration of the visitor industry, but the RFPs do not mention any of the key issues to addressing the community concerns in the objectives.

Finally, I believe that the provisions put forth by the proposals being recommended do not meet the purpose and objectives of the RFPs, especially in regard to increasing the lease rent revenue to the State and maximizing the financial returns to the State. Additionally, I believe that the proposals should have been graded during the Evaluation Committee's process, as to how they meet all of the requirements of the RFP and that information should be made available to the Board and the public so that everyone is aware as to the quality of the proposals being recommended. The community of Hilo and Hawaii Island obviously would not want the Board to approve a proposal that does not have an above satisfactory evaluation, just to have something happen at Banyan Drive.

If the Board is not willing to reject the proposals, then I ask that they at least postpone the decision making on these agenda items until a full Board is present so all members are able to provide their opinions of the Administration's recommendation of the development of Banyan Drive.

Mahalo,

Richard H. K. Onishi
House District 3

Mark M. Nakashima
House District 1

Chris Todd
House District 2

Nicole E. Lowen
House District 6

David A. Tarnas
House District 7

From: [Tara Rojas](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Land Division - Denial of Tower Development, Inc. request
Date: Thursday, September 23, 2021 6:17:55 AM

9/22/2021

My testimony:

Enough is enough.

This is Hawai'i.

Hawaiians are first priority

LAND belongs to the Hawaiians.

NO to foreigners.

NO to developers.

NO to leasing stolen lands.

NO to Tower Development Inc.

30 years of mismanagement by ADC.

50 years mismanagement of Mauna Kea.

128 years of illegally occupied and stolen lands

ENOUGH.

DO WHAT'S PONO.



The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

September 23, 2021

Chair Case and DLNR Board Members,

Subject: Testimony for September 24, 2021 DLNR Board Meeting – **In Opposition to Agenda Items D4 & D5**

Over the past several weeks I have spent a great deal of time listening to constituents, reviewing documents, consulting professionals, conferring with state officials and synthesizing everything I learned from this exploration of the issue now before you to arrive at a position on whether the board should accept the evaluation committee's recommendation to award long term leases for the Uncle Billy's and Country Club properties to Tower Development. The conclusion I have reached after this in-depth effort is that, although the Tower Development proposals may have ranked as the best among those DLNR received in response to its RFPs, **these proposals will not result in the best and highest use of these parcels and therefore should not be granted approval.** It is of huge significance that Tower Development was the sole proposal for Uncle Billy's and therefore it is easy to rank highest when there is no other competition. I seriously question the due diligence of DLNR's efforts to do outreach in the industry and properly solicit interest in these leases beyond a few newspaper ads.

Of the defects in the RFP process before you is the state's willingness to accept a proposal from Tower Development for the Uncle Billy's lease that could only meet a primary requirement of the RFP if DLNR also granted Tower the lease for the Country Club parcel. Additionally, I believe that the provisions put forth by the proposals being recommended do not meet the purpose and objects of the RFPs, especially in regard to increasing the lease rent revenue to the State and maximizing the financial returns to the State. Should the process continue, the numerous conflicts arising from this provision present legal issues for the state that are better avoided by a rejection of the evaluation committee's recommendation.

Furthermore, I request that the Administration revise the RFPs for the properties to include the consideration of ACT 222 (SB1166), ACT 236 (HB499), and ACT178 (2021) which passed after the RFPs were initially released and the requirement of proposal submissions that were due on November 30, 2020. Included in this consideration is a proper addressing of Public Land Trust revenues due OHA, and the potential adverse effect Act 222 will have on OHA's 20 % pro rata share. Additionally, I believe that had the new laws been in place and those new provisions

included when the RFPs were written, the Department would have received additional proposals from other developers who would have been able to utilize those new provisions and to submit a proposal that they might have not been able given the conditions prior to the changes in law

For the past three years, my colleague, Representative Richard Onishi, has advocated for the creation of a redevelopment agency comprised of professionals and community members that would first develop a master plan for the Waiakea Peninsula, then take on the responsibility of implementing that plan. Taking everything I have learned into consideration, I agree that this approach is the only way DLNR can fulfill its statutory obligations regarding the lands it manages on the Waiakea Peninsula. I am calling on the DLNR to effectively hit the "reset" button on the Banyan Drive redevelopment process by voting to disapprove the evaluation committee's recommendations. I am calling on DLNR to reverse its past opposition to the formation of this redevelopment agency. I am calling on my colleagues to join me and Representative Onishi during the upcoming session to ensure passage of the legislation needed to form and fund this body.

At a time when support for the development of a new, regenerative model of tourism runs deep in the government, business and environmental sectors, at a time when incredible leaders in Hawaii are providing bold leadership in defining this model through groups like 'Aina Aloha Economic Futures, at a time when the agency responsible for managing Hawaii's tourism sector is pivoting towards regenerative tourism and DLNR is obligated to follow its lead, **the approval of these leases as recommended is not acceptable.**

The strongest argument I have heard in favor of awarding this lease as recommended is that Tower Development represents a "warm body," a comparison which is, in effect, an admission of desperation on the part of those whose duty it is to manage these land assets according to their best and highest use. I have been told by those closest to the decision making process that we are to consider ourselves fortunate that anyone responded to DLNR's RFP for Uncle Billy's at all. When one considers that the opportunity being offered is to take a dilapidated, mold-ridden liability off the hands of those who mismanaged it, it is little wonder the takers are so few. The current condition of Uncle Billy's is a direct result of DLNR's failure to meet its obligations as a land steward. Past land management practices aimed at extracting value while abdicating responsibility to malama the precious natural resources over which the agency exercises exclusive control have brought us to the point where any warm body will do, as long as DLNR is allowed to continue functioning as it has in the past. This compromise is unacceptable for the future of Hilo, we must set the bar with this opportunity to be a model for the world on this, not settle for status quo or less.

What is needed at this time is the creation of a professional redevelopment agency to do the work that DLNR has thus far failed to do, which is the development and implementation of a master plan for Waiakea Peninsula. This is aligned with the findings by the State Auditor that DLNR has not been fulfilling its mission to ensure effective and efficient use of its public lands, and the Auditor's recommendation that DLNR develop long-range asset management and strategic planning with transparency. Consultation with community and right-holders in this planning

process is imperative. Moreover, this would enable DLNR to fulfill its statutory responsibilities under HRS Section 226-15 "State of Hawai'i Climate and Sustainability Strategic Action Plan" to promote sustainable economic recovery and improve climate resiliency.

I will emphasize the point that this proposed redevelopment agency is to be charged with *implementation* as well as planning, because it's one that many of those involved in the decision making have missed. This is not a matter of coming up with a nifty plan and having no one bid on the opportunities that arise from it. This is a matter of developing a plan that maximizes the value of the Banyan Drive land assets, for developers and the community alike. This is a matter of following best industry practices, as is done all over the world when those responsible care first and foremost about getting development right. This is a matter of doing what it takes to attract the proposals and investment needed to implement a well conceived master plan so that the community can enjoy its benefits. Yes, it will take some time, but the slow-down in tourism has given us this time. Yes, it will take an investment on the part of the state, but investment in this precious natural and cultural resources that has given our community so much is long, long overdue. The results will be worth it, not only for those of us involved in the decision making today but for generations to come.

I want to close my testimony today by encouraging you to read my attached points and citations and by emphasizing my shared commitment to the DLNR's mission to "[e]nhance, protect, conserve and manage Hawai'i's unique and limited natural, cultural and historic resources held in **public trust for current and future generations** of the people of Hawai'i nei, and its visitors, in partnership with others from the public and private sectors." The decision before you today of awarding a 65-year lease to Tower Development at this time must take into account what is in the best interest of our keiki now and future generations to come. As a life-long educator this is always foremost in my mind and I truly hope it is the same for each of you.

Respectfully,

A handwritten signature in black ink, reading "Laura Acasio". The signature is fluid and cursive, with the first name "Laura" written in a larger, more prominent script than the last name "Acasio".

Laura Acasio
State Senator D1– Hilo

Factors relevant to the pending decision:

DLNR has a statutory obligation to manage state lands according to their best and highest use. DLNR's mission: Enhance, protect, conserve and manage Hawai'i's unique and limited natural, cultural and historic resources held in public trust for current and future generations of the people of Hawai'i nei, and its visitors, in partnership with others from the public and private sectors.

DLNR is obligated to comply with the Hawaii 2050 Sustainability Plan. Hawai'i 2050 Sustainability Plan: Charting a Course for the Decade of Action (2020-2030), *Hawai'i State Office of Planning*, pursuant to Act 146, Session Laws of Hawai'i 2009. The purpose of this Hawai'i State Planning Act is to "coordinate and guide all major state and county activities to implement the overall theme, goals, objectives, policies, and priority guidelines" such as Strategies 7 and 8 on Regenerative Tourism. Specific to the Banyan Drive lands this calls for DLNR to "convene community, government, and industry networks to support destination management and increase collaboration in responding to negative tourism impacts on Hawai'i's communities (pg. 99). Moreover, with regard to Strategy 17 to Improve Climate Resilience and given coastal proximity of Banyan Drive, DLNR must "inventory and analyze critical infrastructure assets threatened by climate related hazards (e.g., those along shoreline threatened by chronic and episodic coastal hazards and future sea level rise projections)" and "Coordinate across agencies with operational responsibilities over state facilities to identify existing and planned facilities that are vulnerable to climate-related hazards, assess options to increase the resilience of those facilities, and report on progress made in implementing adaptation strategies in future plans, programs, and capital improvement needs and decisions" (pg. 102). **All of these statutory responsibilities should be reflected in DLNR's RFPs.**

DLNR is obligated to comply with HTA policies when managing tourism assets. HTA has prioritized "Regenerative Tourism" in its Hawai'i Island Destination Management Action Plan (DMAP) 2021-2023, which "takes sustainability one step further and focuses on the net benefit of the visitor economy to a destination, looking at the social and cultural benefits" (pg. 3) while "providing residents with a voice in tourism development, creating jobs with opportunities for advancement" (pg. 7) and "the need to keep tourism dollars circulating on Hawai'i Island" (pg. 10). Specifically, many of HTA's proposed Actions identify **DLNR as the lead agency tasked with implementation**, such as all of Action A: **Protect and reserve culturally significant places and hotspots** (pg. 17)—and notably, **Banyan Drive is identified as a hotspot** (pg. 25)—and most of Action D: Connect with community networks and partner with community-based organizations to collaboratively identify sites, identify limits or acceptable change, and implement stewardship plans to protect and preserve our natural resources" (pg. 20).

DLNR has failed to meet its obligation to manage the lands it controls according to their best and highest use.

Audit of the Department of Land and Natural Resources' Special Land and Development Fund, *A Report to the Governor and the Legislature of the State of Hawai'i*, Report No. 19-12 / June 2019, (pg. 1, pg. 41). "Summary of Findings: 1) Without a strategic plan for its public lands, the Land Division's management of leases and revocable permits defaults to maintaining the status quo rather than exploring higher and better use. 2) Lack of complete and coherent policies and procedures prevents the Land Division from adequately managing its leases and revocable permits. 3) Lack of transparency and accountability hinders the administration of the Special Land and Development Fund." (pg. 6). Specific to the Banyan Drive area of Hilo, the Hawai'i Attorney General clarified the

State's public trust responsibilities for which the State—and thus DLNR—"is required to deal with the public trust not as a business manager, but as a trustee with fiduciary responsibilities to its beneficiaries. ... [Specifically] the obligation to administer the trust solely in the interest of the beneficiary... [and] to use reasonable skill and care to make trust property productive" (pg. 9).

Recent passage of ACTS 222, 236 and 178 significantly impacts the value of the development opportunity. These acts were all introduced after the submission deadline for proposals had passed. Their passage significantly alters the economics of the opportunity for potential proposers.

Legislation introduced by Representative Onishi to create a Banyan Drive redevelopment agency has significant support in both the house and senate. During the 2019 and 2020 legislative sessions, a bill to create a redevelopment agency for Banyan Drive received sufficient support to pass both the house and senate. Although these bills did not make it out of committee, this level of support is significant especially given the state's pivot towards regenerative tourism.

Community based groups are already providing critical leadership in the establishment of a regenerative tourism model. The community organization/think-tank 'Āina Aloha Economic Futures (AAEF) explains that a regenerative visitor economy: 1) Forms community partnerships to ensure Native Hawaiian cultural integrity; 2) Employs Hawai'i residents and commits to building their capacity; 3) Applies innovative financial, policy, as well as data collection and analysis mechanisms to incentivize and facilitate a shift to a regenerative visitor industry that has a smaller footprint and that aims to sustain and improve the quality of life for Hawai'i residents; 4) Targets markets that have a high probability of alignment with these goals; and 5) Actively supports and encourages other emerging economic sectors to reduce the dependence on tourism to support Hawai'i's overall economic prosperity. (AAEF Huliau Action Agenda pp. 5-6). Taken together, HTA's Hawai'i Island DMAP Actions and 'Āina Aloha's Action Agenda provide an ideal template for DLNR to incorporate Regenerative Tourism into present and future Request For Proposals (RFPs) on resort-zoned lands, such as Uncle Billy's and County Club.

From: [Karla Silva-Park](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda items D4 and D5
Date: Wednesday, September 22, 2021 9:36:21 AM

Aloha ē Chairperson Suzanne Case; State of Hawai‘i Board of Land & Natural Resources; et al. ,

While I am no longer a resident on the island of Hawai‘i (I currently reside on O‘ahu), Hawai‘i island is the place where I hānau my first born. As a Kanaka Maoli, I strongly OPPOSE the proposal to redevelop the area of Uncle Billy’s and the former Country Club Condominium Hotel in Hilo.

The proposed action will further reduce the lands KananMaoli have access to as our lands inventory further repressing our voices. For generations the state has not fulfilled it’s obligation to perpetuate our culture or to support our people for the wrong that has been done. The state needs to take ownership of it’s failures and move towards owning the failure to follow through on its kūleana.

There is an obligation felt by the state to make changes in how our lands are managed, sold, leased, and bargained for. It is time to stop the exploitation of our resources and get back to the basics of doing what is both pono and just for Kanaka Maoli.

This is for our keiki and our future keiki. Stop the erasing of our voices and do something right.

Mahalo for your time,
Karla Silva-Park
Mākua & Kanaka Maoli (yes, we are still here)

From: [bldonthdncfr87](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Oppose Agenda Items D4 and D5
Date: Wednesday, September 22, 2021 8:19:42 AM

Aloha e Chairperson Suzanne Case; State of Hawai'i Board of Land and Natural Resources; et al.

I, Makaanani a resident of O'ahu, and a Native Hawaiian beneficiary OPPOSE plans to redevelop the former Uncle Billy's Hilo Bay Hotel AND the former Country Club Condominium Hotel in Hilo, Hawai'i.

This action would effectively alienate public and "ceded" lands from a trust established to, among other express purposes, serve Native Hawaiian beneficiaries; not divest them of historical land claims, drain their land trust inventory, and diminish the revenue otherwise available to better their conditions—all of which would happen if these properties were utilized for hotel developments and transient accommodation housing. These reasons alone counsel against supporting this measure.

The State has long been complicit in efforts to transfer certain parcels of "ceded" lands to third parties for the purpose of facilitating private, commercial development, and all too often to the detriment of Native Hawaiians. The trust vested in the Department of Land and Natural Resources (DLNR) to manage and administer the "ceded" lands subject to the trust obligations articulated in section 5(f) of the Admission Act—among them, "for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended"—is no less fulsome in 2021 than it was in 1959. The fact that approximately 30,000 native Hawaiians have been languishing on the Department of Hawaiian Home Lands (DHHL) waitlist for decades evidence unmet trust obligations deserving of more meaningful consideration with respect to the State's disposition of "ceded" lands.

In addition, the stark fact that a competing offer was submitted for an affordable housing development for kūpuna, and not considered for selection, proves again that the State fails the duties they are entrusted with as managers and administrators of "ceded" lands.

So long as native Hawaiian claims to ownership of the "ceded" lands remain outstanding and unresolved, and so long as there remains manifold evidence of the State's failure to meet its trust obligations to Native Hawaiians, prudence demands that the State's management and administration of the "ceded" lands trust inventory manifest, at all times, its fiduciary duties of due diligence and undivided loyalty to its beneficiaries. The plans in consideration here fail to accomplish that and underestimates the will and determination of the Native Hawaiian community to preserve, develop, and transmit to future generations their ancestral territory.

Mahalo nui,
Makaanani Styles

From: hotrodder@hawaii.rr.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for Zoom Meeting 9/24 @ 9am Agenda Items D4 & D5
Date: Wednesday, September 22, 2021 6:07:47 PM

To: Chairperson Suzanne Case: State of Hawai'i Board of Land and Natural Resources, et al.

Subject: This is regarding selection of proposal submitted by Tower Development, Inc. in response for qualifications/request for proposal for the repair, renovation, and operation of the former Country Club Condominium Hotel, Hilo island of Hawai'i.

and

Selection of proposal submitted by Tower Development, Inc. in responses to request for qualifications/request for proposals for the: Demolition/partial demolition and/or repair/renovation, and (2) operation of the former Uncle Billy's Hilo Bay Hotel, Hilo, Island of Hawai'i.

Dated: 22 September 2021

I, Bert N. Thornburg, a resident of Waikele/Waipahu, Island of Oahu, OPPOSE plans to redevelop the former Uncle Billy's Hilo Bay Hotel AND the former Country Club Condominium Hotel in Hilo, Hawai'i.

This action would effectively alienate public and "ceded" lands from a trust established to, among other express purposes serve Native Hawaiian beneficiaries, not divest them of historical land claims, drain their land trust inventory, and diminish the revenue otherwise available to better their conditions - all of which would happen if these properties were utilized for hotel developments and transient accomodation housing. These reasons alone counsel against supporting this measure.

The State has long been complicit in efforts to transfer certain parcels of "ceded" lands to third parties for the purpose of facilitating private, commercial development and all too often to the detriment of Native Hawaiians. The trust vested in the Department of Land and Natural Resources (DLNR) to manage and administer the "ceded" lands subject to the trust obligations articulated in Section 5(f) of the Admission Act - among them "for the betterment of the conditions of Native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended" - is no less fulsome in 2021 that it was in 1959. The fact that approximately 30,000 native Hawaiians have been languishing on the Department of Hawaiian Home Lands (DHHL) waitlist for decades evidence unmet trust obligations deserving of more meaningful consideration with respect to the State's disposition of "ceded" lands.

In addition, the stark fact that a competing offer was submitted for an affordable housing development for kupuna and not considered for selection proves again that the State fails the duties they are entrusted with as managers and administrators of "ceded" lands.

So long as native Hawaiian claims to ownership of the "ceded" lands remain outstanding and unresolved, and so long as there remains manifold evidence of the State's failure to meet its trust obligations to Native Hawaiians prudence demands that the State's management and administration of "ceded" trust inventory manifest, at all times, its fiduciary duties of due diligence and undivided loyalty to its beneficiaries. The plans in consideration here fail to accomplish that and underestimates the will and determination of the Native Hawaiian

community to preserve, develop, and transmit to future generations their ancestral territory.

I am strongly OPPOSED to any development of these "ceded" lands unless it's for the betterment and occupation of Native Hawaiians. Anytime we put money ahead of what we think may better a community by supposed income, we fall short. We think it creates jobs when in fact it creates modest paying jobs for locals with the profits going to owners and investors of these properties, not even returning those profits to the community. And to lease it for the amounts proposed is ridiculously undervalued and way too long a period for these 30,000 Native Hawaiian families that have been waiting for generations to reclaim their "ceded" lands.

Even with the affordable housing proposal I worry. An investor will still be profiting off the local community with rent they already can't afford even at so called affordable rates. But it's still a better proposal "if" it will be set aside for Native Hawaiian kupuna. Native Hawaiians will know what to do with the land if returned to their rightful owners. Where it can be developed, it should be by the State with Hawaiian Homes and all of the space that can't be developed with safe structured housing, be returned to Native Hawaiians for agricultural development and sustainment. They will know what to do with it.

Sincerely,
Bert N. Thornburg

From: [Nickel Tinsley](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Public Lands Lease
Date: Tuesday, September 21, 2021 11:54:22 AM

To whom it may concern,

I have recently been informed that you are voting to lease prime Hawai'ian public land in Hilo to a private developer, Mr. Bushor. This will enforce eviction upon all Section 8 tenants in the 177 units of Waiakea Villas.

If you vote to lease these crown lands especially for the duration of 65+ years (for the benefit of private profit), you will be denying a native Hawaiian culture of their ownership and additional their power to decide what to do with this land.

I ask that you please think about this decision before voting in favor or the lease and ask yourselves if this is the best use of Hilo's coastal properties?

Thank you,
Nic'kel

From: [Tlaloc Tokuda](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] TESTIMONY re: BANYAN DRIVE
Date: Wednesday, September 22, 2021 2:49:42 PM

BLNR is considering a 65+ year lease on Hilo Bay to Tower Development (TD), a mainland corporation, Its bad enough that BLNR is considering 65 year lease - but it gets worst! TD only has to pay \$833 MONTH !!. The other thing is that BLNR gave almost no notice for public input, Is this the way BLNR restricts

opposition to this pepper corn lease?! BLNR is supposed to 'manage' our natural resources, yet BLNR seems to **mis-manage** our resources by giving pepper corn rent for extended periods. There should be more transparency (which also means to give the public enough time to respond to loans like TD!) BLNR needs to go back to the beginning and give the public more time to assess this give away!

The pandemic has shown our local stakeholders that tourism isn't the golden goose that its made out to be. If we are soul searching now - what will we be thinking 65 years from now? Our progeny will be angry for giving away so much for so little and too long a duration!

Stop the give away!

tlaloc tokuda

Kailua Kona HI 96740

From: [Ollie Tonga](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Oppose Lease to Tower Development
Date: Thursday, September 23, 2021 8:53:22 AM

Aloha Chairperson Suzanne Case; State of Hawai'i Board of Land and Natural Resources;

I, Tammy Sanchez, a resident of Hilo, and a Native Hawaiian beneficiary OPPOSE plans to redevelop the former Uncle Billy's Hilo Bay Hotel AND the former Country Club Condominium Hotel in Hilo, Hawai'i.

From: [Fane Tonga](#)
To: [DLNR.BLNR.Testimony](#); [Tonga](#)
Subject: [EXTERNAL] Oppose Uncle Billy's lease plan
Date: Thursday, September 23, 2021 8:44:09 AM

Aloha Susan and crew,

Mahalo for allowing us natives an opportunity to share our thoughts. I am a descendant of the Lono 'ohana and am still waiting on the DHHL list.

I highly would like you to reconsider your proposal of allowing a foreigner to occupy and make money off of the location Uncle Billy is at on Hilo Banyan Drive.

Please allow a Keaukaha or at least a Hawai'i Island native have a chance to develop and profit off of our land. Not a foreigner.

Allowing another foreigner to develop and profit off of our resources is hewa and should be reconsidered.

Mahalo for your time and mālama.

[Sent from Yahoo Mail for iPhone](#)

From: [Ashelyn Valdez](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Proposal for Tower to pay \$833/month for the Uncle Billy's property
Date: Tuesday, September 21, 2021 11:22:50 PM

Hello BLNR,

I wanted to write in to express my dismay, disgust and disappointment, in yet another show of how the state is supposed to use money from ceded lands to help the Hawaiian people, but instead they keep cutting deals with the Military, corporations/the rich. The Hawaiian people have lost a lot of money that could have been used to house, feed, and educate them. 50+years at 1.00 leases is highway robbery.

Hawaiians are being pushed out of our own homeland. When is the state going to fulfill their promise to put those on the waitlist into homes? How many more of our Kupuna will die on that waitlist?

Thank you,
Ashelyn Keola'ilani Valde

From: [sally walker](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Oppose agenda items D4&D5
Date: Wednesday, September 22, 2021 8:42:54 AM

Dear Aloha e Chairperson Suzanne Case; State of Hawai'i
Board of Land and Natural Resources; et al.

I, Jessica Johnson, a resident of Buffalo N.Y. who has family in Hawai'i, and a Native Hawaiian beneficiary OPPOSE plans to redevelop the former Uncle Billy's Hilo Bay Hotel AND the former Country Club Condominium Hotel in Hilo, Hawai'i.

This action would effectively alienate public and "ceded" lands from a trust established to, among other express purposes, serve Native Hawaiian beneficiaries; not divest them of historical land claims, drain their land trust inventory, and diminish the revenue otherwise available to better their conditions—all of which would happen if these properties were utilized for hotel developments and transient accommodation housing. These reasons alone counsel against supporting this measure.

The State has long been complicit in efforts to transfer certain parcels of "ceded" lands to third parties for the purpose of facilitating private, commercial development, and all too often to the detriment of Native Hawaiians. The trust vested in the Department of Land and Natural Resources (DLNR) to manage and administer the "ceded" lands subject to the trust obligations articulated in section 5(f) of the Admission Act—among them, "for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended"—is no less fulsome in 2021 than it was in 1959. The fact that approximately 30,000 native Hawaiians have been languishing on the Department of Hawaiian Home Lands (DHHL) waitlist for decades evidence unmet trust obligations deserving of more meaningful consideration with respect to the State's disposition of "ceded" lands.

In addition, the stark fact that a competing offer was

submitted for an affordable housing development for kūpuna, and not considered for selection, proves again that the State fails the duties they are entrusted with as managers and administrators of “ceded” lands.

So long as native Hawaiian claims to ownership of the “ceded” lands remain outstanding and unresolved, and so long as there remains manifold evidence of the State’s failure to meet its trust obligations to Native Hawaiians, prudence demands that the State’s management and administration of the “ceded” lands trust inventory manifest, at all times, its fiduciary duties of due diligence and undivided loyalty to its beneficiaries. The plans in consideration here fail to accomplish that and underestimates the will and determination of the Native Hawaiian community to preserve, develop, and transmit to future generations their ancestral territory.

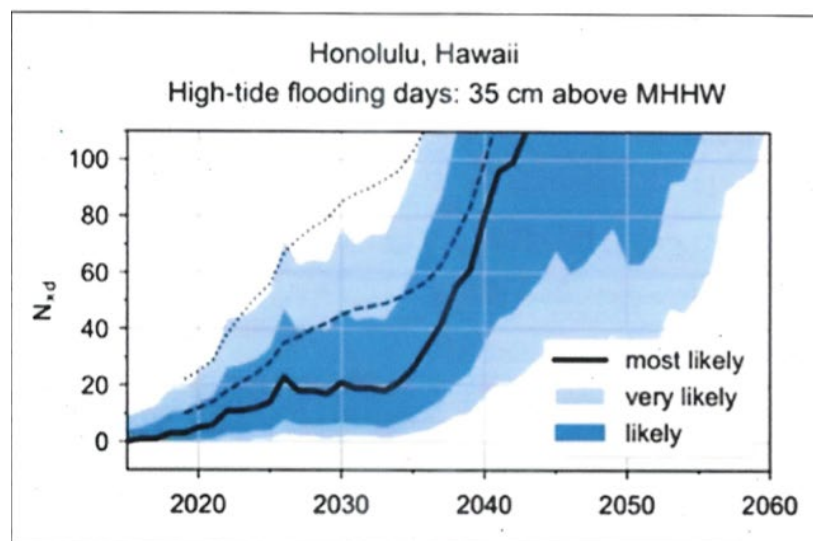
September 23, 2021

Testimony for items D 4 Country Club and D 5 Uncle Billy's
for State Board of Land and Natural Resources, 9 AM Friday, September 24, 2021

From: Deborah J Ward, P.O. Box 918 Kurtistown HI 96760 <cordylinecolor@gmail.com>

Aloha members of the Board of Land and Natural Resources,

The proposal to develop yet another hotel on Banyan Drive in Hilo flies in the face of the scientific evidence that climate change, sea level rise, and increased frequency of storm and surge events are going to significantly affect Hawaii's coastal areas. Please note the findings published last week in Environment Hawaii citing Dr Phil Thompson, oceanographer with the School of Ocean and Earth Science and Technology at the University of Hawaii. He states that while during the period of 2030-2040 there will be a "really important tipping point for the whole state" marking the onset of a rapid increase in the frequency of high tide flood events, quadrupling from 20 events a year to nearly 80.



little change will alternate with periods of rapid change."

Over the decade of the 20s, the number of high-tide flooding days will likely remain under 20 per year, for most years. But the mid-2030s "marks the onset of a rapid increase" in the frequency of high-tide flood events. Mid-2030 marks a "really important tipping point for the whole state," according to Thompson's scenarios.

From the mid-30s to the start of 2040, under Thompson's "most likely" scenario, the trend in the number of high-tide flooding days will take a sharp upward swing, going from around 20 such events per year to nearly 80. "The switch will flip" in the mid-30s, Thompson said. "Expect to see a quadrupling from 2030 to 2040." — P.T.

This predicted sea level rise and flooding events will have an adverse effect on coastal buildings, installations, parks, sewer lines and other infrastructure. It does not make sense to consider a 65 year lease for new construction within feet of the current shoreline when it is highly likely that any such structure would be subject to inundation, putting the leaseholder and the taxpayer at risk for liability. Coastal infrastructure all over the state will be subject to managed (or unmanaged) retreat, and that should apply to every consideration for a long-term lease on DLNR managed land held in trust.

Board members, I ask you to do your fiduciary duty, and turn down the proposal for redevelopment by Tower Development Inc. to lease and construct on Banyan Drive. Thank you.

From: [Mary Whispering Wind](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I OPPOSE the Tower Development
Date: Thursday, September 23, 2021 5:24:00 AM

Aloha BLNR Board Members,

I speak today in **OPPOSITION** to Tower Development, Inc getting the lease of Stolen Hawaiian Lands.

Furthermore, it is ridiculous to redevelop housing along the shoreline. With global warming and ocean level rise, tsunamis, and earth changes it makes no sense, and endangers the folks who would be living there. **Please, review Hilo's tsunami history.**

Native wisdom tells us that you do not build your wickiup on the water's edge. **These old buildings should have already been condemned and removed.**

Hawaii County needs low income housing during this housing crisis, but not tourist accommodations, located in a dangerous area for flooding.

The County should be concentrating on self-sustainability. We are in a pandemic and if the ships stop coming. What is your plan?

Please, OPPOSE this development.

Thank you for your kind consideration,

Mary Whispering Wind

Kea'au, HI