

ENVIRONMENTAL CONCERNS AND LEGALITIES

WHAT'S REALLY GOING ON AT THE SHARKS COVE COMMERCIAL DEVELOPMENT NEXT TO FOODLAND?

**Aia ka 'oia'i'o i ka hana,
'a'ole i ka wahaha'e.**

**Truth is in action, not in
slippery words.**

The ahupua'a of Pūpūkea is a spectacular area from mauka to makai, with popular recreational biking and walking trails, family-friendly beach parks, pristine coastal waters, and abundant marine resources. Those of us living here today are fortunate that the North Shore community has diligently protected Pūpūkea over the years.

It hasn't always been easy; fierce battles have been waged to protect our rural neighborhoods from bad development schemes. There was the Obayashi project, whose goal was to build luxury homes above Sunset Beach. Another developer tried to split up Waimea Valley. At one point, five luxury hotels were slated for construction at Turtle Bay. What would our community be like today if those inappropriate and poorly planned developments had been allowed to go forward?

Unfortunately, our community is once again under threat by an irresponsible development scheme. In the past year, the site that was once proposed to be the "Mall at Sharks Cove," an ill-conceived project that sparked strong community opposition, has turned into the infamous "Food Carnival at Sharks Cove." The subsequent increase in vehicle traffic, highway hazards, noise, unsanitary conditions, trash, overcrowding, and increased stress on the Pūpūkea Beach Park and Marine Life Conservation District are a cumulative detriment to our community. Even more alarming and disheartening are the tactics that the developer has chosen to employ while cashing in on short-term profits from food trucks, avoiding responsibility for the illegal actions of its tenants, imposing a host of nuisances on the community, and making empty promises of better planning "in the future."

In 2014, Hanapohaku LLC purchased three acres between the Pūpūkea Foodland and Pahoe Road – the old Niimi property, currently zoned as B-1 Neighborhood Commercial. Without warning or consultation with the community, and without proper permitting, the new owners began to develop in a haphazard, kapakahi style, with a wide range of unpermitted activities and violations. Ten food trucks appeared virtually overnight, and an unmanaged circus of customers and explosion in traffic followed them.

Despite having no valid Special Management Area (SMA) permits for any activities on the property, for more than a year, Hanapohaku has illegally developed

the property with unpermitted renovations, food trucks, lights, decks, utilities, commissaries, wastewater units, grading-grubbing, parking lots, fences, signs, and tents. Only recently, after months of community pressure, did Hanapohaku even put portable toilets on site, attempt to manage some of the parking problems, or hire a project coordinator or a professional planner. Hanapohaku has racked up a large number of apparent and reported violations under federal, State, and County laws – many of which are resulting in double fines because they remain unresolved. The developer's deliberate strategy of seeking numerous after-the-fact permits, instead of complying with the law up front, and its disrespect for the community's voice have created significant problems for its neighbors, and posed reckless pollution threats to our environment.

In the absence of action by government agencies to protect human health and environmental safety, the community has stepped up to the plate. Mālama Pūpūkea-Waimea and over ten other community groups have banded together to form the "Save Shark's Cove Coalition!" As the Coalition Statement makes clear, the community just wants the developer to follow the law like everyone else in our community. With the help of Senator Gil Riviere, the North Shore Neighborhood Board, and the Sunset Beach Community Association, we have gathered information, assessed threats, reported violations, called meetings, informed stakeholders, and repeatedly urged City and State agencies to enforce the law. Hanapohaku has met our efforts with a campaign of misinformation and continued violations. Regardless, our community remains vigilant because the planning decisions – good and bad – we make today for our neighborhoods will be the legacy we pass to future generations in Pūpūkea. Do we want a poorly planned development that cuts every possible permitting corner, and caters to unsuspecting tourists in the very heart of Pūpūkea?

Sharks Cove, the jewel of Pūpūkea Beach Park and the Pūpūkea Marine Life Conservation District, is an invaluable resource for our local community, marine life, and visitors alike. From the unparalleled views, to the fish, sea turtles, coral reefs, and other marine life that call this area their home; for the keiki, kūpuna, and everyone in-between, this place is incredible and priceless. As the locals say, "It's a kākou thing," which means that we all have the kuleana to protect Sharks Cove now and for the future.

The wisest amongst us understand that a person's actions will tell you all you need to know about their intentions. Let us all make the developer see that there is an entire community watching their actions, and that we don't naively fall for broken promises.