

**AFFIDAVIT/PETITION TO REVISE THE HAWAII COUNTY GENERAL PLAN 2045**  
**STATE OF HAWAII**  
**COUNTY OF HAWAII**

The Honorable Members of the Hawaii County Council:

Heather L. Kimball  
Jennifer "Jenn" Kagiwada  
Dennis "Fresh" Onishi  
Ashley Lehualani Kierkiewicz  
Matt Kaneali'i-Kleinfelder  
Michelle Galimba  
Rebecca Villegas  
Dr. Holeka Goro Inaba  
James E. Hustace

I \_\_\_\_\_, the undersigned, being first duly sworn, hereby respectfully submit this affidavit/petition in strong opposition to the adoption and implementation of the Hawaii County General Plan 2045 (hereinafter "the Plan") in its current form.

This is not an abstract political objection. It is a grounded, heartfelt call to protect the land, values, and people of this island from unintended consequences and systemic overreach embedded in the Plan's current structure. We ask that you approach this petition not as a disruption, but as a vital check-in—a moment to pause and consider whether the direction being charted truly reflects the will, rights, and welfare of those you were elected to serve.

**I. Executive Summary**

The General Plan 2045 includes sweeping zoning designations, vague terminology, and proposed policy shifts that risk undermining constitutional protections, traditional land use, and community autonomy. Chief among the concerns are:

- Reclassification of Important Agricultural Lands (IAL) to a vaguely defined "Natural" category.
- Lack of clarity, transparency, and meaningful engagement in the planning process.
- Disproportionate impacts on rural, Native Hawaiian, and small-farming communities.
- Incorporation of foreign planning paradigms that are misaligned with local governance structures.
- Increasing regulatory burdens that may hinder food security, economic independence, and cultural practices.

We ask that you delay adoption of the Plan pending independent legal and community review, and make substantive revisions to protect our rights and ensure lawful, equitable development.

## **II. Core Concerns**

### **A. Property Rights & Land Use Designation**

The Plan proposes converting vast areas of IAL into “Natural” zones. However, this term remains undefined and unexplained. The impact? Landowners risk losing viable use of their land—whether for housing, agriculture, fencing, or water access—while continuing to bear tax and legal responsibilities. This may constitute a regulatory taking under state and federal law, with no clear compensatory mechanism.

Cited cases such as *Lucas v. South Carolina Coastal Council* and *Penn Central v. New York* affirm that land use regulations must not deprive owners of economic benefit without due process and fair compensation. By these standards, the Plan’s changes fall short.

### **B. Due Process & Transparency**

The Plan’s terminology—e.g., “Resilience Hubs,” “Urban Containment,” “Natural Resource Management Areas”—lacks precise definitions and measurable criteria. Vague language breeds arbitrary enforcement, legal uncertainty, and public confusion. Moreover, the planning platform used (Konveio) has reportedly excluded large segments of our community, especially kūpuna and rural residents unfamiliar with digital systems.

### **C. Cultural and Customary Rights**

Rezoning without rigorous community consultation jeopardizes constitutionally protected rights—particularly for Native Hawaiians who rely on land for customary practices. The Plan does not adequately ensure these rights are preserved, especially in light of *Ka Pa‘akai o Ka ‘Āina v. Land Use Commission*, which requires comprehensive analysis of impacts on traditional uses.

Of special concern is Pu‘u Ōhau, a sacred burial site slated for residential development. The Council must not allow this Plan to move forward while it threatens irreplaceable cultural heritage.

### **D. Overreach and Outside Influence**

The Plan echoes language and structure found in international policy frameworks such as UN Agenda 21 and Agenda 2030. While sustainability is an admirable goal, these top-down models do not reflect Hawai‘i’s unique legal traditions or cultural context. Several states—including Tennessee and Maine—have taken steps to prevent foreign influence on domestic policy. We urge Hawai‘i County to do the same.

Partnerships with non-elected stakeholders, NGOs, and corporations should not override public oversight. The erosion of public consent, even when unintentional, cannot be brushed aside in a democracy.

## E. Energy Policy and Electric Vehicles (EVs)

The Plan includes provisions encouraging mandatory EV adoption while downplaying documented safety concerns. Maritime carriers have ceased EV shipments due to fire risks from lithium-ion batteries. Major litigation—including *Riley v. Tesla*—further highlights unresolved hazards. Public policy must consider both safety and practicality, especially in regions lacking infrastructure for EV use. The right to travel freely must be preserved for all, not just those who can afford adaptation.

## III. Community Impact and Unanswered Questions

The cumulative impact of the Plan, if adopted without revision, is not theoretical:

- Will property owners lose the right to house relatives or farm small plots?
- Will landowners be taxed for land they can no longer use?
- What remedies exist for mapping errors that have already mislabeled parcels?
- How will local customs and food security be preserved if land use is redefined from above?

This Plan was over a decade in the making, but the duration of planning does not excuse the erosion of consent. Planning should evolve with and through the community—not simply over it.

## IV. Relief Requested

We therefore respectfully petition the Hawai'i County Council to:

1. **Pause** the adoption of General Plan 2045 until a full legal, constitutional, and community-impact review is conducted.
2. **Define** terms like “Natural,” “Resilience Hubs,” and other policy language with legal clarity.
3. **Disclose** parcel-level zoning changes and potential impacts in plain language.
4. **Ensure** full community engagement, especially for rural and underserved populations.
5. **Reject** policy frameworks derived from foreign models unless adopted through informed, democratic means.
6. **Safeguard** traditional and subsistence uses of land for Native Hawaiian and local residents.
7. **Investigate** and correct all mapping errors prior to implementation.
8. **Complete** a Community Development Plan for Hilo before countywide changes proceed.
9. **Avoid** adding new regulatory burdens without proportional benefit or public support.
10. **Remove** language mandating or favoring electric vehicles until safety, equity, and infrastructure issues are fully addressed.

## V. Accountability & Reminder of Public Trust

While this affidavit/petition is respectful, it is also urgent. If this Plan proceeds in its current form, Council members may face legal challenges and ethical consequences. Public office is a trust, not a title. Disregarding clearly stated constitutional objections could expose officials to personal liability, ethical investigation, and loss of public confidence.

We invite you to prove that local governance still works—that when people raise valid concerns, their representatives listen. Because in the end, it is not the process that justifies the outcome—it is the integrity of those who steer it.  
Let's get this right.

With Aloha and Civic Resolve,

Print Name:

Address or District:

Phone / Email if desired:

Signature

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I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

**Executed on** this \_\_\_\_ day of \_\_\_\_\_, 2025,  
in the County of Hawai'i, State of Hawai'i.

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Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2025.

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**Notary Public**

State of Hawai'i

My commission expires: \_\_\_\_\_