

FOR ACTION

I. SUBJECT

In Re the Petition of Tara Rojas Regarding the Proposed Amendments to the Kalaeloa Community Development District Plan and Rules, DOCKET NO. CCH 2025-01:

- a. Pursuant to HAR § 15-219-48, shall the Authority assign the petition requesting a contested case hearing for further proceedings before a hearings officer as provided in HAR § 15-219-26?
- b. Shall the Authority authorize the Executive Director to take all actions necessary to retain a hearings officer and facilitate the contested case hearing?

II. BACKGROUND

The procedural history, to date, is as follows:

a. At the Presentation Public Hearing held by the Hawaii Community Development Authority (“HCDA”) on September 3, 2025 Regarding the Proposed Amendments to the Plan and Rules for the Kalaeloa Community Development District, Ms. Rojas verbally requested that a contested case hearing be initiated on the proposed plan and rules;

b. On September 12, 2025, Ms. Rojas sent an email to HCDA providing in part “. . . . to preserve and perfect the contested case hearing request I stated orally on the record during HCDA’s September 5, 2025 public hearing on the Kalaeloa Master Plan and related rules. . . .”;

c. On September 16, 2025, Ms. Rojas sent another email to “. . . . note a clerical correction to my contested case request: the referenced public hearing date should read September 3, 2025 (not Sept. 5). All requests and assertions remain unchanged and are incorporated by reference with this correction. . . .”;

d. On September 16, 2025, the Executive Director sent an email to Ms. Rojas acknowledging the receipt of Ms. Rojas’ September 12 and 16, 2025 emails and stated that HCDA will be reviewing the request;

e. On September 25, 2025, the Executive Director sent an email to Ms. Rojas requesting the submittal of an amended petition pursuant to Hawaii Administrative Rules (“HAR”) section 15-219-47(a) to address certain deficiencies in the original petition;

f. On November 3, 2025, in response to HCDA’s September 25, 2025 email requesting an amended petition, Ms. Rojas (“Petitioner”) sent an email to HCDA that contained her amended petition for a contested case hearing regarding the proposed amendments to the Kalaeloa Community Development District Plan and Rules (hereinafter, Petitioner’s November 3, 2025 amended petition for a contested case hearing shall be referred to as “Docket No. CCH 2025-01”). A copy of the November 3, 2025 email from Ms. Rojas is attached hereto as Exhibit “A”; and

g. On November 5, 2025, the date of the HCDA-noticed decision making public hearing for the proposed amendments to the Kalaeloa Community Development

District Plan and Rules, the Kalaeloa Community Development District Board indefinitely deferred the decision-making hearing of the proposed amendments to the Kalaeloa Community Development District Plan and Rules, until completion of the contested case hearing for Docket No. CCH 2025-01.

III. DISCUSSION

Pursuant to HAR section 15-219-46, a contested case shall commence upon the filing of a petition for permitted relief with the authority within thirty (30) days of the action or decision for which the contested case hearing is sought.

Upon the commencement of a contested case proceeding, the authority shall assign the contested case for further proceedings before the authority or appoint a hearings officer as provided below in HAR section 15-219-48:

“§15-219-48 Action by authority. Upon the commencement of a contested case proceeding, the authority shall assign the contested case for further proceedings before the authority or appoint a hearings officer as provided in section 15-219-26.” Emphasis added

Section 15-219-48, HAR, allows the authority to appoint a hearings officer for contested case hearings pursuant to Section 15-219-26, HAR as set forth below:

“15-219-26 Appointment of hearings officer. To the extent permitted by law, the authority may duly appoint a hearings officer pursuant to section 92-16, HRS. A hearings officer so appointed shall have all of the powers which would be held and enjoyed by the chairperson or authority or any member thereof in connection with the hearing.” Emphasis added

The appointed hearings officer will act as the presiding officer for the contested case proceeding. The hearing officer’s Findings of Fact, Conclusions of Law, and Decision and Order will be presented to the authority for consideration and action.

Pursuant to HAR section 15-219-49, a person or governmental entity may make a motion (See, Section 15-219-32, HAR) to intervene in this contested case proceeding no later than twenty (20) calendar days after the petition was filed, which filing date was November 3, 2025. See, Section 15-219-46, HAR.

Staff recommends that the authority appoint a hearings officer pursuant to HAR 15-219-26, for Docket No. CCH 2025-01.

IV. RECOMMENDATION

Staff recommends, with respect to DOCKET NO. CCH 2025-01 In Re the Petition of Tara Rojas Regarding the Proposed Amendments to the Kalaeloa Community Development District Plan And Rules, that: (i) pursuant to HAR § 15-219-48, the Authority assign the petition requesting a contested case hearing for further proceedings before a hearings officer

as provided in HAR § 15-219-26, and (ii) the Authority authorize the Executive Director to take all actions necessary to retain a hearings officer and facilitate the contested case hearing.

Attachment:

Exhibit A – Petitioner’s Email to HCDA Sent on November 3, 2025

Prepared By: Craig K. Nakamoto, Executive Director:

Craig K. Nakamoto

Reviewed By: Garet Sasaki, Chief Financial Officer:

Garet Sasaki



From: tarahawaii_kiai <[REDACTED]>
Sent: Monday, November 3, 2025 5:45 PM
To: Nakamoto, Craig K
Cc: DBEDT HCDA Contact
Subject: [EXTERNAL] Amended Petition - Contested Case Hearing Request (Kalaeloa Master Plan & Rules)
Attachments: 1000133560.jpg; 1000133559.jpg; 1000133558.jpg

Hawaii Community Development Authority
By: [Signature]

Aloha Chair and Members of the Hawai'i Community Development Authority,

Please find attached my Amended Petition for Contested Case Hearing regarding the Kalaeloa Master Plan and Rules.

This filing supplements and perfects my prior petition submitted in September 2025, consistent with HAR §15-219-47(b) and HRS Chapter 91, to ensure full compliance with the required contents for a formal contested case hearing request.

A certified hard copy of the same materials has also been mailed today to:
HCDA, Attn: Craig K. Nakamoto, Executive Director, 547 Queen Street, Honolulu, HI 96813.

Please confirm receipt of this email and attachment, and acknowledge that the petition has been entered into the administrative record.

Kindly provide your written determination by email to [REDACTED] within ten (10) business days or before any decision-making meeting, whichever is earlier.

Mahalo for your prompt attention and cooperation.

With respect,
Tara Rojas
Honouliuli Resident

EXHIBIT A

Tara Rojas
Honouliuli Resident ('Ewa, O'ahu)
Email: [REDACTED]
Date: November 3, 2025

VIA CERTIFIED MAIL AND EMAIL

Chair and Members
Hawai'i Community Development Authority (HCDA)
Attn: Craig K. Nakamoto, Executive Director
547 Queen Street
Honolulu, Hawai'i 96813
Email: [REDACTED] Email: dbedt.hcda.contact@hawaii.gov

Re: Kalaeloa Master Plan & Rules - Amended Petition for Contested Case Hearing

Aloha Chair and Members,

Pursuant to HAR §15-219-47(b) and HRS Chapter 91, please find enclosed my Amended Petition for Contested Case Hearing regarding the Kalaeloa Master Plan and Rules. This amended filing supplements my prior petition submitted and mailed in September 2025 and is intended to ensure full compliance with the specific requirements under HAR §15-219-47(a).

The amended petition includes:

1. A concise factual statement of my claim;
2. The laws and rules affording my right to a contested case hearing;
3. Identification of the respondents;
4. The relief sought; and
5. A section providing notice of potential joinder by additional affected individuals under HAR §15-219-47(c).

I respectfully request that HCDA acknowledge receipt of this amended petition and confirm that it has been entered into the administrative record for the Kalaeloa Master Plan proceedings. I further request that the Authority grant a contested case hearing prior to any decision-making meeting, consistent with due-process requirements and recent Hawai'i Supreme Court guidance reaffirming such rights.

Please direct all correspondence and written determination to: [REDACTED]

Mahalo for your prompt attention to this matter.
Tara Rojas
Honouliuli Resident

EXHIBIT A

AMENDED PETITION - CONTESTED CASE HEARING REQUEST

Kalaeloa Master Plan and Rules

1. Petitioner Information:

Tara Rojas, Honouliuli resident (Ewa, O'ahu)

Email: [REDACTED]

2. Brief and Concise Factual Statement of Claim:

HCDA's proposed Kalaeloa Master Plan and rules will directly impact my community by allowing development over areas identified with Native Hawaiian traditional and customary practices, known burials, and public-trust resources (groundwater and shoreline).

As a Honouliuli resident relying on the same aquifer and transportation corridors, I will be adversely affected by cumulative impacts to water, traffic, and cultural landscapes.

3. Law or Rule Affording Right to Hearing:

This petition is made pursuant to Hawai'i Revised Statutes (HRS) Chapter 91 and Hawai'i Administrative Rules (HAR) Title 15, Chapter 219, which provide for a contested case hearing when an agency's action affects the personal rights, duties, or privileges of a specific person. The Hawai'i State Constitution, Article XII, Section 7, guarantees the protection of Native Hawaiian traditional and customary practices.

The Hawai'i Supreme Court in *Ka Pa'akai o Ka 'Āina v. Land Use Commission*, 94 Hawai'i 31 (2000), and *In re Water Use Permit Applications (Waiāhole Ditch)*, 94 Hawai'i 97 (2000), requires agencies to make specific findings to protect Native Hawaiian rights and public-trust resources before approving development actions.

4. Respondents:

Hawai'i Community Development Authority (HCDA), including its Executive Director Craig K. Nakamoto, HCDA staff, and any contracted consultants related to the Kalaeloa Master Plan and rules.

5. Relief Sought:

That HCDA -

- Grant a contested case hearing before any final action on the Kalaeloa Master Plan and rules;
- Grant party status to the petitioner;
- Suspend any decision-making until due process, consultation with SHPD, the O'ahu Island Burial Council (OIBC), and recognized cultural descendants is completed; and
- Ensure required environmental and cultural reviews are conducted in compliance with law.

EXHIBIT A

6. Joinder Request for Additional Interested Persons:

In accordance with HAR §15-219-47(c), I respectfully request that HCDA allow additional affected individuals to join this contested case as co-petitioners or intervenors.

Each person has a direct, substantial, and unique interest in the Kalaeloa Master Plan, including cultural, environmental, and community impacts.

Their participation will support a full and fair record for HCDA's decision-making.

- Healani Sonoda-Pale, a Kānaka Maoli individual with ancestral ties to Hawaiʻi, who has previously provided documentation and testimony to HCDA; and
- Treena Pieper-Apostadiro, a Kānaka Maoli individual with ancestral ties to Honouliuli and ʻEwa, who has previously provided documentation and testimony to HCDA; and
- Morris Hicks, a long-term ʻEwa resident and community participant who has previously provided documentation and testimony to HCDA; and
- John Bond, a long-term ʻEwa resident and community participant who has submitted evidence on infrastructure and public-trust concerns in the Kalaeloa area.

Statement of Compliance:

This Amended Petition is submitted in compliance with HAR §15-219-47(b) and supplements my prior petition filed in September 2025.

Mahalo,

Tara Rojas