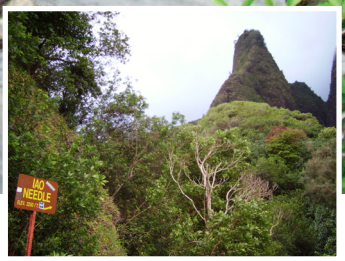
Hawaii's Thousand Friends

ANNUAL REPORT 2025



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http://www.hawaiis1000friends.org

President's Report Gil Riviere

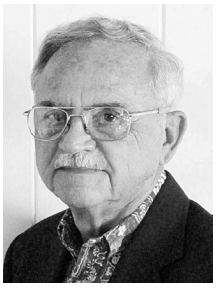
Aloha kakou,

Hawaii's Thousand Friends is now 45 years young! Long time supporters might shake their heads and ask themselves how that could have happened so fast. "It seems like yesterday, but then again…." For me, this is a reminder that time is fleeting, and while there is always work to be done, we must remember to enjoy the ride and make the most of our precious time.

Sadly, Chuck Prentiss, our President for more than 20 years, passed away in April. He was a staunch advocate for land use policies that protected and enhanced quality-of-life in our communities, and he was a strong opponent of schemes that would do otherwise. Chuck spent a lifetime devoted to public service and he will be sorely missed.

With some enormous shoes to fill, following Chuck and other former leaders of this esteemed organization, I look forward to working closely with Donna Wong and fellow directors, Bob Crone, Mike Lee, Lou Erteschik, Charley Ice, Eileen Hilton, and Roseanne Goo to continue our mission of protecting Hawaii's natural and cultural resources. ☐

Mahalo to Charles A. Prentiss, Ph.D.



Charles "Chuck" Prentiss, President of the Board of Directors of Hawaii's Thousand Friends for twenty-five years, passed away on April 13, 2025. Chuck was a professional urban planner who worked for the City and County of Honolulu for 20 years and was the Executive Secretary of the Honolulu Planning Commission. He was a co-founder of the Oahu Neighborhood Board system and served as first chair of the first neighborhood board, Mililani and later was the chair of the Kailua Neighborhood Board for many years.

Chuck was a stalwart advocate for sustainable land-use planning and quality of life issues. With his passing our organization lost not only a beloved friend, a dedicated public servant, a measured, principled, ethical and caring man, but a guiding light in the pursuit of the mission of Hawaii's Thousand Friends.

Under his tenure as President Chuck led HTF through countless land-use issues, including several important lawsuits:

The Waiahole Ditch case which resulted in the Hawaii Supreme Court declaring that the Public Trust Doctrine is the standard by which the State must manage the distribution and allocation of all surface and ground waters as a right of the people to have the water protected for their use

The 2004 Clean Water Act case which resulted in a Consent Decree with all parties including the Environmental Protection Agency and the Department of Justice to upgrade Sand Island and Honouliuli Wastewater Treatment Plants to secondary treatment to protect public health and the marine environment.

The Waikiki Kyo-ya Hotel resulted in the Hawaii Supreme Court reversing a City and County of Honolulu height and density variance thereby protecting established zoning and Waikiki beach from development.

As a staunch believer in the importance of good land-use planning in sustaining the quality of life of our communities, Chuck devoted much time and talent to the creation of Oahu's General Plan and Community Development Plans. For more than 50 years Chuck was a mentor on land-use planning to many community members. He gave generously of his time, expertise and experience to the protection of our environment and our communities.

Hawaii's Thousand Friends is immensely grateful to Chuck for his work, leadership and vision on behalf of our organization. We are also grateful to his wife Leigh who actively supported his work and so generously shared so much of her husband's time with us. Thank you, Leigh.

Chuck's work benefitted our communities in many different ways. His legacy will extent and benefit generations far beyond our time. Mahalo Nui Loa Chuck. We miss you. ☐

The Fate of Oahu Railway and Land Company Right of Way in Ewa

Urban development is changing the face of Ewa.
The question is:
"How much of our past identity do we want to retain?"

The Oahu Railway and Land Company transformed Ewa from mostly dry ranchland into sisal, sugar and pineapple plantations by providing overland access for goods and people. Its route followed the best agricultural lands in the Waianae-Diamond Head direction. The end of the plantations, and the present need to employ areas makai of the tracks for housing, has altered the axis of travel to include mauka-makai routes.

Hawaiian Railway Society guests traveling the Waianae Coast.

Hawaiian Railway Society guests at Ko Olina rail stop

The Hawaiian Railway Society (HRS) was formed in 1970 to restore actual railroad equipment for hands-on public tours and education. The HRS Renton Road base yard, listed on the Hawaii and National Registers of Historic Places, displays multiple engines and railcars that have been or are in the process of restoration.

Approximated 15 miles of the OR&L Right-Of-Way is also listed on the Hawaii and National Registers of Historic Places. The HRS has restored, at its own expense, seven miles of this ROW. In 1979 the ROW was deeded from the U.S. Navy to the Highways/ Hawaii Department of Transportation (HDOT). The 1979 deed required the HDOT to preserve historic railroad infrastructure within the ROW and could allow a non-profit organization to operate a historic railroad museum there. HRS has operated a museum within the ROW since 1979 through a Right of Entry agreement.

Ongoing urban development within Ewa has increasingly necessitated the development of a Master Plan for railroad road crossings and construction immediately adjacent to the ROW. It is important for safety reasons that the number of road crossings be limited and crossing warning equipment be installed at such crossings. Based upon these needs, stakeholders such as adjacent landowners, HRS and HDOT, and historic preservation organizations such as the Hawaii State Historic Preservation Division, National Trust for Historic Preservation and the Advisory Council for Historic Preservation began a series of meetings to develop a Programmatic Agreement (PA) to create such a plan, which was agreed to by all parties.

Unfortunately, the HDOT has completely altered the scope of the PA. Instead of focusing on gaining agreement of where and when the crossings would be built, HDOT is seeking to change the underlying agreement within the original deed. The volunteer/ non-profit Hawaiian Railroad Society, which has maintained the ROW and replaced or repaired miles of track at no cost to the State for 48 years, would be forced to compete with for-profit entities for the right to operate within the ROW. As HRS has the only federally licensed maintenance personnel and equipment in Hawaii, removing HRS from the ROW makes no fiscal or logistical sense. The bulk of HRS income comes from giving train rides within the ROW; removal of HRS from the ROW would be a financial disaster for the Hawaiian Railway Society.

It is unclear why HDOT wants to change the agreed to PA but as a volunteer organization HRS hopes that the focus of any agreements can return to critical decisions on the safety of railroad-road crossings along the former OR&L ROW. ☐

Twenty-Five Years After Waiahole: The On-going Duty to Protect Hawai‘i’s Public Trust

Introduction

More than twenty-five years have passed since the Hawai‘i Supreme Court issued its landmark decision in the Waiahole Ditch case, affirming that the state holds Hawai‘i’s natural resources in trust for the benefit of present and future generations. That 2000 decision marked a turning point in the history of environmental law in Hawai‘i. It translated the lofty language of the state constitution into an enforceable duty – a living promise that the waters, lands, and ecosystems of these islands belong to the public, not to private interests.

Yet, as the Court reminded us again in 2025, in Sierra Club v. Board of Land and Natural Resources – the case arising from Alexander & Baldwin’s long-term diversion of East Maui streams – the constitutional guarantees of the public trust remain only as strong as the public’s vigilance. Even after decades of precedent, state agencies can lapse, and public oversight can erode. The new decision exposes what the earlier one warned: that trust principles must be actively tended, or they will wither under the weight of expediency and politics.

I. The Constitutional Foundation of Hawai‘i’s Public Trust Doctrine

The Hawai‘i Constitution embeds environmental stewardship as a constitutional duty, not a policy option. Article XI, Section 1 declares that “for the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawai‘i’s natural beauty and all natural resources, including land, water, air, minerals and energy sources.” It then states plainly that “all public natural resources are held in trust by the State for the benefit of the people.”

Other sections reinforce this duty: Section 7 directs the State to manage and control the use of Hawai‘i’s water resources “for the benefit of its people,” establishing water as a public trust resource; Section 9 guarantees every person “the right to a clean and healthful environment,” enforceable through the courts.

These provisions create a dual obligation: agencies must protect the integrity of natural systems—the streams, aquifers, forests, reefs, and air that sustain life—and manage those resources to serve the collective good.

II. The Waiahole Ditch Case: Defining the Public Trust

When the Waiahole Ditch decision came down in 2000, Hawai‘i’s highest court did more than resolve a dispute over irrigation water. It established the modern legal meaning of the public trust in Hawai‘i. The case arose from the century-old Waiahole Ditch system, which diverted water from streams on windward O‘ahu to irrigate sugar plantations on the drier leeward side. After sugar production ceased, competing petitions sought either to restore the water to the streams or to reallocate it for new agricultural and urban uses.

In its decision, the Supreme Court reaffirmed that water is a public trust resource, not a commodity. The State’s first duty is to protect and maintain the flow and purity of Hawai‘i’s waters. Private use is permissible only if it does not impair that duty. The Court articulated key principles that still guide resource management today: affirmative duty, priority of public uses, burden of proof, and continuing responsibility.

III. The Alexander & Baldwin Case: The Trust Reaffirmed

A generation later, the Alexander & Baldwin case –formally Sierra Club v. BLNR (2025) – put those same principles to the test. The issue centered on BLNR’s renewal of Alexander & Baldwin’s revocable permits to divert water from East Maui streams. Despite public objections and a request for a contested case hearing, BLNR renewed the permits through a simple board vote after holding only a general public meeting.

The Hawai‘i Supreme Court held that this process violated the public’s constitutional rights. The Court ruled that when an agency decision affects public trust resources – especially stream waters – members of the public who have demonstrated an interest in the resource are entitled to a contested case hearing. A public meeting alone is not enough. The Court’s reasoning went beyond procedure: it found that the

Public Trust Doctrine *Continued from pg. 4*

agency's failure to allow a contested case deprived the public of a meaningful opportunity to test the evidence and ensure that the board's decision rested on a sound factual record.

IV. What Resources the Trust Protects

Under Hawai'i's constitution and case law, the public trust extends broadly to encompass the natural systems that sustain life and culture. Core trust resources include:

- Water: surface and ground water, streams, springs, wetlands, and aquifers.
- Land and Forests: state lands, conservation districts, and upland watersheds.
- Marine and Coastal Resources: reefs, estuaries, beaches, and nearshore ecosystems.
- Air and Energy Resources: natural sources essential to health and self-sufficiency.
- Native Species and Ecosystems: biological diversity and habitats vital to Hawai'i's heritage.
- Cultural and Traditional Practices: the living relationship between people and 'āina.

V. The Continuing Need for Public Vigilance

The twenty-five years between Waiahole and A&B show that legal doctrines, no matter how strong, cannot enforce themselves. Institutional drift, political pressure, and limited enforcement capacity all threaten the trust's integrity. Vigilance means cultivating an informed, engaged citizenry that recognizes environmental stewardship as a civic duty.

VI. How the Public Can Protect Public Trust Resources

Protecting the trust requires public participation at every stage of resource management. The public can engage early in environmental impact reviews, request contested case hearings when major water or land decisions arise, build partnerships with advocacy groups, promote transparency through data requests, and support community science and cultural stewardship. Through these actions, communities transform legal rights into living practice.

VII. Conclusion: The Living Promise of the Public Trust

The story of the public trust in Hawai'i is one of endurance and renewal. The Waiahole decision articulated the principle, and the Alexander & Baldwin decision reaffirmed it. Together they show that constitutional duties endure only when the public demands their enforcement. A quarter century after Waiahole, the people of Hawai'i remain the ultimate guardians of their islands' natural heritage. □

Ke aloha o ko Kakou 'aina, 'Ola ka mana ku pa'a. Panoanoa ka 'aina, Manoanoa ka po'e.

The Love of our land, is the power for us to stand fast. Rare is the land, many is the people.

How massive wind turbines violate the setback

In Kahuku, families now live under the shadow of some of the tallest wind turbines in the world. Eight turbines surround the rural community, rising 568 feet into the sky — taller than a 50-story building — and two of these were built within the minimum required setback area. The law was supposed to prevent this, yet here they are.

How did it happen? Because the Honolulu Department of Planning and Permitting (DPP) quietly bent the rules, waived the safety setbacks, and never told the community until it was too late to object.

The City's Land Use Ordinance requires large turbines to be set back at least the height of the structure from the nearest property line. That safeguard exists for a reason: to protect neighbors from the risks of massive industrial machines. Now in 2025, the law will be even stricter, requiring a 1.25-mile buffer from homes and schools.

But in 2017 and again in 2019, DPP gave Na Pua Makani special waivers. One turbine was allowed to be just 275 feet from the property line — less than half the required distance. Another was allowed at 355 feet. Together, the waivers reduced the safety zone by hundreds of feet.

The public never had a chance to object. There was no notice in the newspaper, no posting on an agenda, no mailing to community groups that were already deeply involved in opposing the project. Instead, the approvals were quietly filed away — with a 30-day deadline to appeal, a deadline no one knew existed until it was too late.

When Kahuku residents tried to challenge the setback violations, the Zoning Board of Appeals refused to hear the case, saying the 30-day clock had already run out. The courts agreed. On paper, the case is closed. In reality, two massive turbines stand where the law said they should not.

Unlike many wind farms on the mainland that sit in the middle of vast plains, two of Oahu's wind farms are just outside of Kahuku — to the ire of many residents. (Cory Lum/Civil Beat/2020)

The message this sends is troubling: unless the public somehow anticipates that an agency will break the law and proactively requests notice of a possible future, illegal decision, there is no remedy. That is not how the rule of law or democracy should work.

This secrecy isn't inevitable. On Maui, for example, planning decisions are listed on commission agendas so the public can see them in real time. The Environmental Notice, published twice a month, also provides a centralized place for agencies to disclose environmental actions. Honolulu could easily adopt these practices at little to no cost — but so far it hasn't.

And this isn't just about wind turbines. DPP makes countless land-use decisions every year, many with serious consequences for communities and the environment. Without public notice, residents are left in the dark, and trust in government erodes.

The solution is simple: the Honolulu City Council and the Mayor must require public notice for all waivers, exemptions, and conditional use permits. Put them in a place where communities can actually see them.

The people of Kahuku deserved fair notice before 568-foot turbines were built next to their homes. The people of Oahu deserve better going forward. ☐

Overwhelming opposition to proposed gondola on Mt. Kaala – Oahu's tallest mountain

Department of Land and Natural Resources Division of Forestry and Wildlife: Native Ecosystems Protection & Management

Residents around Oahu are overwhelming rejecting a proposed gondola ride up the side of Mt. Kaala that the developer describes as an agribusiness project. Neighborhood boards are passing resolutions and thousands of people have signed petitions strongly opposed to the project. Hawaii's Thousand Friends is a member of the Kūpaʻa Kaʻala Alliance, a group of two dozen organizations opposed to this project called Kamananui.

A Canadian investor with connections to Whistler Mountain in British Columbia was granted in 2019 a minor conditional use permit to build an aerial tramway, two ziplines, biking and hiking trails, and a visitor center with 300 car parking lot on 2300 acres of agricultural lands above Waialua.

Agribusiness projects are meant to be secondary and accessory to bonafide agricultural uses. To operate non-agricultural commercial activities on agricultural zoned land, a majority of the land must be placed in active and continuous agricultural production.

Kamananui committed to new forestry and agro-forestry activities on 933 acres, while continuing the cattle ranching that has occurred in Kaukonahua Valley for decades. Six years later, the developer has completed only 51.5 acres of forestry and now proposes to drop the forestry requirements in exchange for expanding cattle grazing and labeling certain acreage as "natural areas."

Other requested modifications include redesigning the gondola route, changing the zip line to a motorized chair ride, enhancing the upper station and café area, relocating the wastewater evapotranspiration field to the bottom of the valley next to the stream, modifying the mountain bike and hiking trails, and relocating the entrance to the visitor center along dangerous Kaukonahua Road.

This project was approved without any public presentations, hearings, or environmental assessments as it was categorized as an agricultural accessory activity and processed as a minor conditional use permit. The developer insists the proposed modifications are still minor, hoping to avoid a major CUP and the requisite environmental studies and public engagement.

Kamananui declined to participate in a special meeting of four neighborhood boards, stating "We remain committed to engaging with the community and still plan to share the full details of our project in the future. In the simplest terms, we are not yet ready to present that at this time."

In fact, the developer has never presented the project details publicly. Years after it was conditionally approved and even after submitting modified plans to the city, they "are not ready to present at this time."

The developer has conveniently proposed a daily visitor count just below the trigger for a major wastewater treatment system. Although several endangered species of birds, bats, snails, plants and other creatures are known to inhabit the hills and summit of Mt Kaala, no environmental studies for habitat conservation planning have been performed. Kaukonahua Road is rated as one of the most dangerous on Oahu, so the visitor center access to the highway warrants careful review.

This project should not have been approved with a minor CUP; the impacts are not insignificant, and the tourism activities are not secondary and accessory to agriculture. They are indisputably the primary enterprise on this agricultural land.

At the time of writing this article, the outcome is uncertain. The Department of Planning and Permitting appears to be taking a very hard look at the project now. They may be planning to deny the modification application outright, require a major CUP, or revoke the permit altogether. The developer has suggested that they may withdraw the modification application. It is unlikely Kamananui can ever meet the original conditions, but they might continue to try. Or they could come to their senses, cancel the project, and look for appropriate uses of the land.

What is certain is that public opposition to this tourist attraction on agricultural land on the side of Mt. Kaala will continue to grow. ☐

Hawaii's Thousand Friends
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