



DEPARTMENT OF THE ATTORNEY GENERAL

News Release

NEIL ABERCROMBIE
GOVERNOR

DAVID M. LOUIE
ATTORNEY GENERAL
Phone: (808) 586-1500

RUSSELL A. SUZUKI
FIRST DEPUTY ATTORNEY GENERAL

For Immediate Release: April 26, 2012

News Release 2012-12

**STATE PROVIDES HALEIWA FARMERS' MARKET NEW LOCATION OPTIONS
AND
TWO WEEK EXTENSION**

HONOLULU – Attorney General David Louie and Department of Transportation Director Glenn Okimoto met today with an attorney for the Haleiwa Farmers' Market (the "Market") and told him about a final two week extension to relocate the Market, explained why the Market cannot stay in its current highway location beyond May 13, 2012, and presented several new possibilities for alternative locations.

Governor Neil Abercrombie stated: "There was never a question if the Market will continue. We have always fully supported local farmers. Our effort in finding another location is to ensure a venue where farmers and vendors can market their goods without liability. The Market's present location is forbidden by law and the State is subject to liability. For some time we have been trying to help the Market relocate and believe a solution is at hand. We are giving the Market a final two week extension to allow relocation in an orderly fashion."

For the past three years, the Market has operated at a triangular area at the junction of Kamehameha Highway and Joseph P. Leong Highway, known as the Haleiwa bypass road. The triangular area is part of a parcel of land which includes the entire highway, and is right next to the existing traffic on the bypass road. Hawaii Revised Statutes Section 264-101 states "Vending from highways prohibited" and notes that "highway" means "the entire width, including the berm or shoulder of a public highway."

The location of the Market and the number of people it attracts create a hazard and a risk to drivers on the bypass road as well as pedestrians crossing the road to reach the Market. The Honolulu Police Department, Wahiawa Station, has received complaints about traffic and safety issues at the Market.

Attorney General Louie said: "The first thing we have to do is ensure people's safety. We will not wait for an accident to happen before taking action to protect the public. We must respect the law."

In addition, the highway, including the area occupied by the Market, is in an agricultural district. Hawaii Revised Statutes chapter 205 generally prohibits commercial vending on agricultural lands, and only allows for "roadside stands for the sale of agricultural products grown on the premises." None of the produce or other commercial products sold at the Market were grown on the premises. The Market activities also appear to violate zoning and ordinances of the City and County of Honolulu.

"The State cannot simply wave a magic wand to allow the Market to stay where it is," added Attorney General Louie. "It would take a complex and time consuming process to allow the type of commercial activity engaged in by the Market."

Contrary to recent reports, the State would have to first get federal approval, since the land for the highway was originally acquired in part with federal funds. The entire highway parcel of land would have to be subdivided to remove the triangular area from the highway lot. The triangular area would then have to be transferred to the Board of Land and Natural Resources, which manages public lands. If the State determined to lease the land to a private for-profit company like the Market, the land use designation would likely have to be changed to allow commercial activities. The laws regarding dispositions of public lands, including any auction requirements, would also have to be followed.

Over the last few months, several locations have been suggested for the Market by the State and various community members. These options have included the Waialua Sugar Mill, city parks, and local schools. These suggestions were never accepted.

Several new alternative locations were suggested at today's meeting. Among these options was the Liliuokalani Protestant Church, located in the heart of Haleiwa at the corner of Kamehameha Highway and Emerson Road. It is approximately the same size as the current location, and already hosts similar events for handcrafters and artisans.

Mr. John Hirota, Treasurer and past Moderator for the church, stated: **"Liliuokalani Protestant Church supports local farmers and the local community. We look forward to discussing the possibility with the farmers and vendors of serving as the new home for the Haleiwa Farmers' Market."**

In addition to the church, the State has advised the Market that the **Office of Hawaiian Affairs ("OHA")** has offered two other properties in the area as possible new locations. OHA has offered the historic Waialua Court House, recently renovated,

which is in the heart of Haleiwa and is open for community events. OHA has also offered Waimea Valley, which has a large parking lot, which could easily accommodate the Market and more. OHA Chief Executive Officer **Dr. Kamana'opono Crabbe stated: "OHA would welcome site visits and discussions to explore the possibility of hosting the Market to support our farmers and the broader economic community of Haleiwa Town."**

The Abercrombie Administration is confident a new location is available and the vendors will be able to relocate quickly and conveniently.

#

For more information, contact:

Joshua Wisch

Special Assistant to the Attorney General

(808) 586-1284

joshua.a.wisch@hawaii.gov

<http://hawaii.gov/ag/>