

From: [REDACTED]
Sent: Tuesday, October 29, 2019 2:22 PM
To: General Plan
Cc: Yee, Michael
Subject: General Plan 2040 comment on Mahukona
Attachments: Mahukona - Resort designation only words.docx; 50 years of Preserving the North Kohala Coast.doc

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PLANNING DEPARTMENT
COUNTY OF HAWAII

Mahukona—Keep it the same

It may appear that a number of people in North Kohala are asking the County to “change” something when they press to remove the resort designation from Mahukona on the General Plan. That’s not the case. We are asking the County to keep the status quo. Keep Kohala, Kohala, as the NKCDP says.

Over 800 years ago, when the first humans walked the coast at Mahukona, the land was untouched, open to people to fish and walk the shore. Today the land at Mahukona is still almost entirely untouched, and people still fish and walk the shore. It remains primarily open space.

What has changed is the words to describe it, not something tangible or bankable.

Fifty years ago the County put the Mahukona resort on the General Plan, the wish list for development, at the urging of a failing locally-owned sugar plantation, seeking economic benefit and jobs for its employees. Castle and Cooke could not get a developer and sold the land. Its successor, a Japan-based hospitality corporation, tried unsuccessfully for 24 years to make the “wish list” a reality by seeking zoning, subdivision and other entitlements that would have added value to the property. It failed to get either the zoning, subdivision or the needed financial backing for building the resort and high-end subdivision. It lost the land in foreclosure. Now, the foreign-owned creditor is also seeking to sell the land to another foreign-owned resort developer and start the process all over again. Only this time the original reason for putting the land on the wish list is long gone.

On the other hand, Kohala residents have a 50-year history of working to preserve the district’s coastline in open space. (See attached) The North Kohala Community Development Plan, County Ordinance No. 08-151, calls for the preservation of the open nature of the coast, and specifically calls for the purchase of the land at Mahukona using the County’s Open Space Fund. A hui of Kohala community groups has nominated Mahukona to the Open Space Commission’s annual priority list for purchase every year since 2006, and the Mayor has approved its high place on the list time and time again.

Fortunately, nothing has changed. The land remains basically untouched. People walk along the coast and fish in the coves and tide pools every day. The words “resort” and “low density urban” on the draft General Plan 2014 are not tangible. They are a wish from long ago. A wish that did not come true. Does the designation put extra dollars into the pockets of a foreign corporation that intends to turn around and sell development rights to another foreign corporation? I don’t think so. I believe that the designation for Mahukona should stay “open,” where it was 60 years ago, and the use of the land continue to be open and free to the public.

Malama Na Lihikai O Kohalanei,
Toni Withington Hawi

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Preserving the North Kohala Coast

Conserving the North Kohala Coast has over a 50-year documented history of community support for and work to preserve this coastline in open space and keep it free of any development makai of Akoni Pule Highway. The 50 years worth of legal challenges, petitions, State and County resolutions, letters, and plans are summarized below.

The on-going efforts were ignited by Kohala's respected kupuna have worked to preserve the Kohala Coastline in open space. Their names and signatures are on many of the documents, petitions, and letters summarized below. These kupuna are: Clyde 'Kindy' Sproat, Kamaka Ai'a, William Akau, Armstrong Yamamoto, Marie Solomon, Michael Isaacs and Fred Cachola.

COASTAL LAND PURCHASES -- From **2006 to 2019** five community groups spearheaded the nomination of 14 coastal parcels to the County Open Space Fund, the State Land Legacy Fund and federal lists of important coastal lands. These efforts have led to seven purchases using County, State, Federal and Land Trust funds for lands at Lapakahi, Pao'o, Kauhola Point, Hapu'u, and three purchases in the ahupua'a of Kaiholena. The purchase of 93-acres of land at Kapania has been funded and is in the mill. Also the County has authorized the purchase of three additional parcels. In all, the community has turned 390 acres of private land into preserved open space by raising a total of \$20.9 million. Most of 15 miles of leeward coast and most of 4.5 miles of northern coast have been preserved. Of the thirteen properties listed on the Mayor's Annual priority list for public purchase this year, eight are on the North Kohala Coast. The groups nominating and seeking funds to purchase open space land are Ka Makani O Kohala Ohana – Kako'o, Malama Kohala Kahakai, Malama Na Wahi Pana O Kohala, Maika'i Kamakani O Kohala and the Kohala Cultural and Historic Preservation Group.

THE NORTH KOHALA COMMUNITY DEVELOPMENT PLAN (County Ordinance 08-151) NKCDP was written by North Kohala residents between 2006 and 2008 and is still the District's guiding planning document. The strategies and goals selected for inclusion were based on the voices of 1090 people. The document prioritizes acquiring coastal lands and preserving them in open space free of development. Four parcels in particular were recommended -- Kukuipahu-Haena, Mahukona, Pao'o, and Kaiholena. One of the strongest chapters of the plan lays out a GIS map and detailed description of strategies for increasing public access to the ocean and the mountain, proposing a trail from Pololu Valley to Kawaihae.

NORTH KOHALA COMMUNITY ACCESS GROUP, formed to carry out the recommendations of the NKCDP, has been meeting monthly for eleven years to work on access issues including lateral coastal and mountain trails and a series of mauka-makai vehicular accessways. The group is meeting with County, State and Federal agencies as well as land trusts. There are currently 80 people who receive monthly email agendas and minutes of meetings. Along with the five groups nominating open space acquisition, the access group has formed a non-profit Kohala Lihikai for the purpose of coastal stewardship of land and trails.

In **2019 the SAVE MAHUKONA PARK GROUP** presented the County with a petition to begin immediate replacement of the condemned Mahukona Park pavilion signed by 950 residents of North Kohala.

In **2018 22 acres of land at HAPU'U BAY including HALE O KA'ILI HEIAU** were purchased using the County's Open Space Fund.

In **2016 48 acres of coastal land at NIULI'I** were donated to The Kohala Center for preservation.

In **2015 the 35-acre KAIHOLENA SOUTH** land was purchased for open space with funding by the State Legacy Land Preservation Fund, the Ala Kahakai Trail Association and Kohala fundraising.

In **2015 RESPONSE TO THE KOHALA SHORELINE LLC DEA FOR A NINE-LOT SUBDIVISION** numerous Kohala groups and individuals made comments pointing out deficiencies of the document. At the Kohala Shoreline hearing before the Board of Appeals twelve groups and individuals testified to support the Planning Director's deferral for final historic sites approval. The same groups responded to the **2018 Environmental Assessment** for a re-designed six-lot subdivision, one of the calling for public purchase of the land.

In **2013 and 2014** groups and individuals fought for expansion of the public access trail at **KOHALAKAI SUBDIVISION**. Negotiations ended with an agreement between the developer and the Ala Kahakai Trail Association to dedicate all the land between the existing location of the Ala Loa and the shoreline to a conservation easement held by the association.

In **2013 77 acres of land called KAIHOLENA CENTRAL** was purchased for open space using matching funds from the State Legacy Land Preservation Fund and the County's Open Space Fund.

In **2012 28 acres of land at KAUHOLA POINT** was purchased with funds from the State Legacy Land Preservation Fund and fundraising by Maika'i Kamakani O Kohala with the help of The Trust for Public Lands.

In **2012 KOHALA LIHIKAI WAS FOUNDED** as a 501(c)3 nonprofit corporation, with a board of directors made up of representatives of the active coastline groups. It is currently acting as steward of lands at Kaiholena, Pao'o and the Upolu Airport makai properties for Hawaii County and the State Airport Division.

In **2011 17 acres of land at LAPAKAHI** was purchased using funding from the State Legacy Land Preservation Fund and a federal NOAA grant with the help of The Trust for Public Lands. It is now part of Lapakahi State Historical Park.

In **2010 10.6 acres of land at PAO'O** was purchased with matching funds from the State Legacy Land Preservation Fund and the County's Open Space Fund.

In **2010 151 acres of land at KAIHOLENA NORTH** was purchased using the County's Open Space Fund.

In **2008, HAWAII COUNTY COUNCIL PASSED ORDINANCE 237** to downzone the coastal parcel, TMK 5-9-001:008, now owned by Kohala Shoreline, in order to better protect the coast. The move was proposed by the County Planning Director and supported by a large contingency of Kohala residents. The measure was vetoed by the Mayor.

In **2008, STATE HOUSE BILL 2606**, strongly supported by Kohala residents, called for the downzoning of North Kohala coastal lands owned by the State to Conservation to ensure open space protection and eliminate the threat of development.

In **2007-2008** Kohala groups acted as intervenors in a Land Board contested case hearing to stop approval of a vacation home shoreline complex at **PAO'O**.

In **2006, THIRTY (30) KOHALA BUSINESSES AND ORGANIZATIONS** signed a letter requesting Mayor Kim to prioritize the North Kohala Coast for permanent protection.

In **2005 KOHALA GROUPS LOBBIED TO REMOVED THE RESORT ZONING AT MAHUKONA** during the Comprehensive Review of the County General Plan

In **2002, the KOHALA HISTORIC AND PRESERVATION COMMITTEE** submitted a petition with **more than 1,000 signatures** requesting the County protect and preserve the Kohala Coastline.

In **2002, the COUNTY OF HAWAII PLANNING COMMISSION with the agreement of the HAWAII COUNTY PLANNING DIRECTOR** recognized the significance of the feeling of open space that is so important to North Kohala and incorporated SR 146 into the Hawaii County General Plan.

In **2001, SENATE CONCURRENT RESOLUTION 146, S.D. 1**, passed both houses of the State Legislature, urging the retention and preservation of open space and view planes, historic sites, and traditional access along the coastline of the North Kohala District and again called for collaboration to discourage subdivision and building development.

In **2001, CHAIRPERSON of the STATE BOARD OF LAND AND NATURAL RESOURCES**, Mr. Gilbert Coloma-Agaran, testified before the State Senate Committee of Water, Land, Energy and Environment, in support of SR 146 and pledged DLNR's support to coordinate with the residents of Kohala and County of Hawaii. His testimony also recognized the importance of the numerous natural, scenic, historic and cultural resources abounding in Kohala and its coast.

In **2001, the ASSOCIATION OF HAWAIIAN CIVIC CLUBS** (representatives of all Civic Clubs) passed a resolution urging the Hawaii County Council to re-designate the North Kohala Coastline to Conservation/Open. The resolution recognized a long history of community support for preserving the Kohala Coast and that the North Kohala coastline is historically and culturally very important to all people of Hawaii, but particularly to Native Hawaiians.

In **2001, the KOHALA HAWAIIAN CIVIC CLUB, KOHALA FILIPINA COMMUNITY ASSOCIATION, KOHALA PUERTO RICAN SOCIAL CLUB, KOHALA HISTORIC AND PRESERVATION COMMITTEE AND KUPUNA WILLIAM AKAU** requested the Hawaii County Council to place a moratorium on all subdividing and development makai of Akoni Pule Highway from Kawaihae to Pololu Valley.

In **2001** and then again in **2002, the KOHALA COMMUNITY REPRESENTED BY KUPUNA** and many community members signed and sent a letter to the County documenting Kohala's 30+ years of work to protect the Kohala Coast. This letter recognized that people from all over the Island (Ka'u, Hilo, Puna, Hamakua, Kona) still come to Kohala with their families to fish and camp.

In **2000, the KOHALA HISTORIC AND PRESERVATION COMMITTEE collected well over six hundred signatures from Kohala residents** and submitted them as part of a community

response to the update of the Hawaii County Comprehensive Plan, urging the preservation and protection of the region from Kawaihae to Pololu Valley.

In the 1990s and early 2000s **KAMAKANI O KOHALA OHANA – KAKO'O** fought to preserve public access to numerous **SURETY KOHALA SUBDIVISION** with the help of the County Planning Department.

In 1999 **THE SUPREME COURT OF HAWAII** ruled that Citizens for Protection of the North Kohala Coastline had standing in their case against the County of Hawaii challenging the lack of HRS Chapter 343 environmental review of a planned resort at **MAHUKONA**.

In 1994, **SENATE CONCURRENT RESOLUTION 116** called on the Department of Land and Natural Resources to consider public acquisition of the Kohala Coast prior to construction of any additional infrastructure.

In 1994, **SENATE RESOLUTION 85** urged DNLR to consider Kohala Coastal acquisitions.

In 1994 **HUI LIHIKAI** fought the **PAO'O** Conservation District permit for a large residence before the Land Board. The permit was allow to expire.

In 1993, **THE HAWI TOWN CONFERENCE** participants identified the "undeveloped coastline" as a defining element of the town character.

In 1992, **SENATE CONCURRENT RESOLUTION 211** called on the County and State to develop a plan to protect the open space and historic sites makai of Akoni Pule Highway and to promote non-exclusive public enjoyment of the area AND that the County and State should discourage any subdividing and building until such a plan is in place.

In 1992, **THE NORTHWEST HAWAII OPEN SPACE AND COMMUNITY DEVELOPMENT PLAN**, calls for a comprehensive effort to protect valuable North Kohala coastal areas as open space for public use and enjoyment.

In 1991, **GOVENOR JOHN WAIHE'E CALLED FOR THE PROTECTION OF THE NORTH KOHALA COAST IN HIS ANNUAL ADDRESS**.

In 1990, **LOCAL RESIDENTS PRODUCED A VIDEO CALLED 'NORTH KOHALA COAST—THE SILENT TREASURE' FEATURING CLYDE 'KINDY' SPROAT, WILLIAM AKAU AND OSCAR AHUNA** documenting the community's desire to protect the Kohala Coast from developement.

In 1990, the **HAWAII STATE DEMOCRATIC PARTY** and the **HAWAII COUNTY DEMOCRATIC PARTY** both adopted resolutions at their conventions calling for the State and County to develop and implement a plan to protect the open nature of the coast, preserve its valuable historic sites and promote nonexclusive enjoyment of it by residents and visitor alike."

In 1990, **DECISION – ACTION 90's**, a report to Hawaii County, calls on the State and County to "quickly and clearly establish areas in the County that are never to be developed" and cites Kohala as an example where development should be discouraged.

In 1990 **NORTH KOHALA COASTLINE CONFERENCE** hosted government officials, land owners and many residents who made recommendations to form a special area designation for

the coast such as scenic heritages or historic corridor, as well a guarantee continued ocean access.

In the **1990s THE STATE LAND BOARD CITED A DEVELOPER AT PUAKEA BAY RANCH** for numerous violations of land use permits brought up by the Citizens for Protection of the North Kohala Coastline. Besides paying fines, the developer agreed to turn over shoreline land to the State's Na Ala Hele Trail System for public access.

In **1989, the HAWAII COUNTY COUNCIL** at the urging of Kohala residents passed a resolution calling for protection of the coastline from development and calling for a survey of the coast. The resolution was passed unanimously.

In **1989, the WEST HAWAII REGIONAL PLAN** says the State and County have already over-committed West Hawaii in resort and resort-residential development and shows no resort-residential development in North Kohala. The plan identifies the cliffs and valleys of Kohala Mountain and the panoramic coastal views from Kohala Mountain as highest on its list of "important scenic heritage resources."

In **1988, almost 6,000 HAWAII ISLAND SIGNATURES WERE COLLECTED FOR A PETITION CALLING FOR A BUILDING MORATORIUM makai of Akoni Pule Highway**. The signature were collected by the Citizens for the Protection of the North Kohala Coast and over half of the signatures were from Kohala.

In **1988 CHALON INTERENATIONAL PURCHASED THE FORMER SUGAR PLANTATION AND OTHER LANDS AT MAHUKONA**. Contrary to residents' recommendations, the company pursued efforts to build a resort and golf course at Mahukona. Though it secured zoning for the project, legal challenges by Citizens For Protection of the North Kohala Coastline delayed start of the project until 1999. Without securing subdivision for a scaled down version of the resort, the land ownership was transferred in foreclosure and the zoning expired. Kohala groups are continuing to raise funds to purchase the 434 acres makai of Akoni Pule Highway.

In **1988, SENATE CONCURRENT RESOLUTION 179** passed both houses of the State Legislature and called on governments to work together to ensure public view and open space along the coast and to discourage development makai of Akoni Pule Highway.

In **1988, DLNR commissioned the study "NORTH KOHALA: PERCEPTIONS OF A CHANGING COMMUNITY"**, which indicated the intent of past state administrations and DLNR staff to preserve and protect the North Kohala Coast. Many Kohala residents participated in the study which stated that **the North Kohala Coast has the most numerous and intact, pre-contact archeological and cultural sites in the state**.

In **1983, THE NORTH KOHALA COMMUNITY DEVELOPMENT PLAN**, adopted by resolution by the County Planning Commission, which implements the General Plan for the North Kohala District, recommended for OPEN classification the entire length of the North Kohala Coast.

In **1980 MAHUKONA PROPERTIES ANNOUNCED PLANS TO BUILD A MASSIVE RESORT ON LANDS AT KAIHOLENA**. Opposition to the plan by Kohala residents from the beginning intensified on the County Council through the 1990s when the developer withdrew the plans. Opposition to the subdivision of the 263 acres of Kaiholena into six lots in 2000 failed to stop that action, but through persistence and the cooperation of the owner, community groups were able to raise \$10.9 million through six sources to purchase all the lots. At a celebration of the

last purchase in 2017 sixty six individuals were thanked specifically for their help, almost all North Kohala residents.

In the **1980s HUI MAMALAHOA INTERVENED IN QUIET TITLE ACTION BY KOHALA CORPORATION (CASTLE & COOKE) TO PROVIDE COASTAL AND MOUNTAIN ACCESS AT KAPANAIA AND MAKAPALA.** The Kohala group, led by Benjamin Raymond and Samson Cazimero, Sr., was able to get the court to grant vehicular access to both locations, a move that eventually led to greater pedestrian access along the shoreline.

In **1972, the DLNR study entitled “NORTH KOHALA, PRESERVATION OF HISTORICAL RESOURCES”** indicated the intent of past state administrations and DLNR staff to preserve and protect the North Kohala Coast.

In the **early 1970s AKONI PULE HIGHWAY WAS CONSTRUCTED FROM KAWAIHAE TO MAHUKONA.** Alarm was raised by many of the Kohala residents participating in the construction about the large number of historic sites that were being impacted by the grading activity. Other residents, such as Kamaka Ai’a, William Akau and Henry Ross raised concerns about the impact on the communities’ open use of the leeward coast for fishing, gathering and recreation.

In **1964 AN ARCHAEOLOGICAL RECONNIASANCE OF THE MAHUKONA TO KAWAIHAE HIGHWAY** was made by Lloyd J. Soehren that brought attention to the large amount of unsurveyed historic sites and burials along the coast. Several Kohala residents took steps to call for and begin studies aimed at their preservation and also to change the parameters for archaeological surveys in anticipation of development.

In **1963, the KOHALA-HAMAKUA REGIONAL GENERAL PLAN**, which many Kohala residents supported, stated that development and resorts should be concentrated in South Kohala and away from existing residential areas such as Hawi. No resort zoning was identified along the North Kohala Coast.

Additionally, many important community organizations have continually offered their support to preserve the North Kohala Coast and have signed and supported the above petitions and letters and resolutions. These organizations include:

- Kohala Kupuna Council
- Kohala Filipina Association
- Kohala Hawaiian Civic Club
- Kohala Puerto Rican Club
- Long time local merchants