

HAWAI'I COUNTY PUBLIC ACCESS, OPEN SPACE AND NATURAL RESOURCES
PRESERVATION COMMISSION

MINUTES-REGULAR SESSION

September 8, 2014

Hawai'i County Building
Puna Conference Room, Suite #1501
Hilo, Hawai'i 96720

Present: Chair Enock Freire
Vice-Chair Timothy DeLozier
Commissioner Barbara Bell
Commissioner Wilma Matsumura
Commissioner William Meyers
Commissioner Marilyn Nicholson

Others Present: Bill Brillhante, Deputy Corporation Counsel
Alexandra Kelepolo, Property Management Technician, Finance

CALL TO ORDER

The meeting was called to order by Chair Enock Freire at 10:03 a.m.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

JAMES WEATHERFORD

Mr. James Weatherford and his wife Elizabeth, owners of the property in Nā'ālehu, Kahua Olohu, (former Makahiki grounds), let the Commission know that the property is for sale and they are definitely on board to sell to the County. He thanked the commissioners and Ms. Kelepolo who recently visited the property and came today to answer any questions.

Ms. Matsumura asked if there has been any firm community involvement in managing or purchasing the property since the site visit. Mr. Weatherford replied that there has not been anything new and did mention that Mr. Keoni Fox, who represents the Keanu family does have a vision for the property if acquired by the County.

APPROVAL OF MINUTES

Mr. Freire asked if there are any changes to the minutes. Ms. Bell said that on page 7 of the minutes to change "there will be" instead of "will there."

Motion: Commissioner Nicholson moved to approve the minutes of July 14, 2014 as amended. Seconded by Commissioner Bell; all members voted aye, motion carried.

WRITTEN COMMUNICATION

Communication No. 14-021: Letter dated June 23, 2014 from Debbie Hecht, re: Resignation from PONC, Council District 8

Mr. Freire stated that Ms. Debbie Hecht is not able to continue her term and is resigning from the Commission due to health reasons.

Motion: Commissioner Bell moved to approve and accept Communication No. 14-021. Seconded by Vice-Chair DeLozier; all members voted aye, motion carried.

DEPARTMENT OF FINANCE REPORT

Mr. Freire read the Finance Report provided by Ms. Kelepolo:

White Sands Mauka (N. Kona) – (3) 7-7-08:21 & 23

The County is currently in escrow to acquire both parcels for 3 million and the closing date is scheduled for September 17th. Eventually these parcels will become an expansion of the adjacent Kīpapa Park, a previous PONC acquisition.

Pohoiki (Puna) – (3) 1-3-08:por. 34

An SMA (Special Management Area) Minor Permit was recently issued by the Planning Dept. for approval of the subdivision of parcel 34 into two separate lots so that the County can acquire. The next step will be to obtain approval of the CDUA by the Board of Land and Natural Resources which should be on the agenda in October.

Vacationlands Land Trust, Wai‘opae (Puna) – (3) 1-4-02:22

The County will be applying to the State, Legacy Land Conservation Program (LLCP) to obtain matching funds for acquisition. The property appraised at 2.6 million and the County will be asking for a 50% match.

Kahuku Coastal Property (Ka‘ū) – (3) 9-2-01:75

A technical desk review of the yellow-book appraisal completed must now be done as a requirement for the federal Recovery Land Acquisition (RLA) grant. The RLA grant has been extended for another year expiring September 2015 and the LLCP grant will expire February 2015. With over 1.8 million in matching funds the landowner is willing to negotiate a lower price if the County can purchase in a timely manner.

Mr. DeLozier asked what is a timely manner for the Kahuku acquisition. Ms. Kelepolo replied that the landowner’s representative wants the County to acquire by the end of the year. With the new appraisal at 3 million, the County portion would be about 1.2 million which could drop to about 1 million if completed sooner. It really depends how much money is left in the fund after White Sands and Pohoiki is purchased and if due diligence for both grants are completed.

Ms. Kelepolo added that the updated balances for both funds are attached to the minutes for their information. The next deposit into the fund should be in September for approximately 2 million and 100,000 in December.

OFFICE OF CORPORATION COUNSEL'S REPORT

Mr. Brillhante stated that he had nothing to report. He asked how did the ad hoc committee site visit go and Mr. Freire commented that it's listed on the agenda and they will discuss later.

CHAIRPERSONS REPORT

Mr. Freire had nothing to report. He did mention that they might want to consider changing the date for the November meeting since there are some commissioners that will be out of town. In speaking with everyone he confirmed that the meeting will be moved from November 10th to December 1st in Kona.

Mr. DeLozier asked if there are any updates on Commission vacancies. Ms. Kelepolo replied Council Districts 5, 8 & 9 and she will follow-up with the Mayor's office.

UNFINISHED BUSINESS

- **Commission to discuss, review and assess Suggestion Forms submitted by the public for 2014**

Mr. Freire noted that this agenda item was already discussed at the previous meeting and has already been completed.

- **Commission to discuss the drafting of the 2014 Annual Report to the Mayor**

Mr. Freire asked if there are any changes to the report.

(the commissioners went into discussion)

Recess: 11:17 a.m.

Reconvened: 11:27 a.m.

- **PONC Ad Hoc Investigative Committee to provide a report to the Commission regarding site visits to The Gapp Property, Puna, TMK: (3) 1-5-10:32 and Kahua Olohu, Ka'ū, TMK: (3) 9-5-12:05**

Mr. DeLozier reported that he, Ms. Matsumura and Mr. Meyers conducted site visits on July 24th to both the Gapp Property in Puna and Kahua Olohu in Ka'ū.

Mr. DeLozier read the site visit report for The Gapp Property:

“This 5.586 acre property is rectangular-shaped parcel which stretches from Old Government Road at the bottom of Hawaiian Paradise Park (HPP) to the ocean. Old Government Road is a county road which is poorly maintained. There were numerous puddles and rough/rocky sections that would make vehicular access to the property in any vehicle other than a pickup truck or 4x4 difficult, especially

after heavy rains. This section of Old Government Road is the ONLY access to the property because the road worsens the further south one travels. There was off-street parking to accommodate 2-3 cars. In order to make the property easily accessible by the public, costly reconstruction of the road would be necessary.

The lot is very natural and substantially overgrown, including kukea maile – vines that are hazardous and potentially injurious if not maintained continuously. The dense vegetation and high canopy of trees keeps the area very moist and it is heavily infested with mosquitoes. Reconnaissance of the property was both dangerous and laborious on foot. The terrain was very rough and there were many open cracks, collapsed lava tubes, loose slippery stones, moss-covered decaying timbers, etc. The only easy access from Old Government Road to the ocean was via a road on the neighboring lot north of this property. Constructing an easy access path or roadway to the ocean for the public would be costly. Locating and identifying historical remains and archaeological sites was nearly impossible.”

Mr. DeLozier commented that the landowner had a hard time locating a path to walk through in addition to locating the historic sites. Ms. Matsumura added that she fell a few times over the un-even terrain and was unable to identify any of the sites listed in the archaeological survey.

“The ocean was observed to be rough and hazardous for any kind of activity. Heavy or stormy weather would create torrent ocean conditions and damage the front of property as was evident by the various types of debris washed on shore: boulders, drift logs, etc. Slippery water worn stones could cause bodily harm and surmounting liability cost. The shoreline between the property corners did not appear to have any place to access the water for swimming, snorkeling, etc. Typical of this area, there were numerous tide pools.”

Ms. Matsumura asked if he saw the petroglyphs. Mr. DeLozier replied that he saw them during low tide however the petroglyphs were beyond the property boundary.

“To exemplify the beauty of this area, trails, buffers, and hard labor would have to be implemented. In order for the public to fully appreciate and enjoy this property, substantial and cost improvements would be required. In its current state and condition, there is very little value to the general public and the property would be a liability to the County. Even with improvements it is questionable how valuable to the general public this property could ever be.”

Ms. Bell commented that the tide-pools in front of the property are very popular with the residents of HPP since it’s the only place in the area where you can get wet and hang out on the shoreline.

Mr. Freire noted that difficult access was mentioned and asked if there were cliffs on the shoreline. Ms. Matsumura replied large boulders. Mr. DeLozier added that it was old lava flows and the cliff faces were about 2-6 feet above the water line, there’s an access north on the adjacent property.

Mr. DeLozier read the site visit report for Kahua Olohu:

“This 13 acre property lays immediately makai of the highway. It is an irregular-shaped lot with a utility easement with major power lines splitting the mauka ¼ of the property from the rest. The entire parcel is fenced and there is no off-highway parking. There were spectacular views to the north of the shoreline below.

One can only imagine that this cattle grazing area was home of the Makahiki games. This area is nearly flat with a rising south side. It somehow looked as though an auditorium style viewing may have taken place, giving the spectators a clear vision of the sporting event inside the compound. There were no visible structures or signs of any previous structures.

Most recently the property has been utilized for grazing livestock for many decades. It appears that cattle grazing and machinery from possible former crop cultivation most likely have destroyed any reminiscing (remnant) artifacts of the ancient Makahiki games. The February 2013 archaeological inventory survey submitted with this nomination was for the neighboring properties and nothing in the report was on the subject property.

It is questionable what use this property would be suitable for if acquired by the County. Absent a revival effort to restore the Makahiki games, it is also very questionable how much value this property would have to the general public other than preserving a fairly flat parcel of land which is allegedly used in ancient times for Makahiki games, especially considering that Whittington's Beach Park is just a few minutes down the road."

Ms. Matsumura commented that if in fact there is a plan to revive the Makahiki games on this property it would make sense however there was no visible evidence.

Mr. Freire thanked the committee for their comments and appreciates that it is not an immediate assumption that there would be value to acquire; it could instead be a liability to the County.

Mr. DeLozier commented that in the County Charter once a property is purchased with the PONC fund it's held in perpetuity and there is no option to sell. Mr. Brillhante noted that's a deed restriction but when you look at the county code for acquiring lands, four out of five criteria relate to preservation and protection so the property can also remain un-touched.

Ms. Matsumura added that there is some historic value to every property submitted and they all deserve to be ranked. Mr. Meyers commented that it was very important that the committee was able to visit these properties and it will take some money to improve the road and access if the County decides to do that.

➤ **Commission to discuss the ranking and approve the 2014 Prioritized List of Properties**

Mr. Freire stated that they will now look at the scores that have been compiled for each property and asked if anyone would like to make changes. He commented that after hearing Mr. DeLozier's report from the ad hoc investigative committee on the Gapp property and Kahua Olohu, some scores may be changed.

(the commissioners went into discussion)

Lunch: 12:32 p.m.

Reconvened: 1:21 p.m.

(the commissioners continued their discussion)

Ms. Kelepolo read the properties and scores as ranked for the 2014 Prioritized List of Properties:

- #1 (253) - Halelua
- #2 (252) - Hapu‘u to Kapanai‘a Cultural Corridor
- #3 (240) - Niuli‘i
- #4 (237) - Māhukona
- #5 (219) - Keawenui Easement
- #6 (214) - Lamaloloa
- #7 (212) - Kukuipahu-Hā‘ena Corridor
- #8 (194) - HCC Farms, LLC (conservation easement)
- #9 (159) - Konas People Park
- #10 (157) - Adjacent property to Hale Halawai o Hōlualoa
- #11 (113) - Kahua Olohu
- #12 (101) - The Gapp Property
- #13 (83) - Acreage adjacent to Hilo Municipal Golf Course

MOTION: Commissioner Bell moved to approve priority ranking list scores. Seconded by Commissioner Nicholson; all members voted aye, motion carried.

UNFINISHED BUSINESS (continued)

- **Commission to discuss the drafting of the 2014 Annual Report to the Mayor**

(the commissioners went into discussion)

MOTION: Commissioner Bell moved to approve the narrative in the synopsis pages as amended. Seconded by Vice-Chair DeLozier; all members voted aye, motion carried.

ANNOUNCEMENTS

The next meeting is scheduled for Monday, December 1, 2014, 10:00 a.m. in the West Hawai‘i Civic Center, Building G Conference Room, 74-5044 Ane Keohokalole Highway, Kailua-Kona, Hawai‘i

ADJOURNMENT

Meeting adjourned at 2:44 p.m.

Respectfully submitted,

Alexandra Kelepolo
Property Management Technician