

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

MINUTES-REGULAR SESSION

September 14, 2015

West Hawai'i Civic Center  
Building G Conference Room  
74-5044 Ane Keohokalole Highway  
Kailua-Kona, Hawai'i 96740

Present: Chair Timothy DeLozier  
Commissioner Susan Fischer  
Commissioner Marilyn Nicholson  
Commissioner René Siracusa  
Commissioner Kekaulike Tomich

Absent: Vice-Chair Barbara Bell  
Commissioner Kai'ena Bishaw II  
Commissioner William Meyers  
Commissioner Cynthia Nazara

Others Present: Belinda Castillo Hall, Deputy Corporation Counsel  
Hamana Ventura, Property Manager, Finance  
Alexandra Kelepolo, Property Management Technician, Finance

**CALL TO ORDER**

The meeting was called to order by Chair Timothy DeLozier at 10:13 a.m.

**STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS**

**SHELLEY STEPHENS MAHI MAKA'ALA NAKOA**

Ms. Shelley Stephens Mahi Maka'ala Nakoa with the Native Tenant Protection Council commented on Communication No. 15-017. First of all in regards to title search, it is speaking of the original form of title under Kamehameha III and unless the title is in this particular form for government ahupua'a lands, the County doesn't have title.

Under Hawai'i Revised Statutes (HRS) 172-11, the heirs of royal patent grants have rights even though the lands were formerly sugar lands or leased. In this case Hilea and Kāwā is a government ahupua'a where the native tenant rights are already reserved by law, they're recognized in the County kuleana land exemption which actually gives a description of what a native tenant is. In a court case from the Supreme Court it states that there is the reservation of the rights of the native tenants in these lands that the County has acquired for open space. In a deposition from Okuna it says that the lands were only leased and there is no clear title; the warranty deeds that were used to sell the lands to the County are counterfeit. PONC does not have a policy in place and are ignoring the rights of the native tenants and the royal patent lands.

She has been working with KALEA, an accreditation for the Police Department and noted that forced removal of native Hawaiians from their lands is a federal criminal statute violation. PONC is also in violation of HRS 172-11 and encourages them to come up with some type of policy that works with native Hawaiians, heirs and konohiki to care for these lands.

Since there's also federal money available from U.S. Fish & Wildlife and the Recovery Lands Acquisition Grant (RLA), by government wide compliance and executive order you must consult with the konohiki and native Hawaiians. Until PONC establishes a policy, they are in violation of the law and also conditions of statehood.

### **ABEL LUI**

Mr. Abel Lui stated that he is a native tenant, heir and konohiki of Kāwā registered by the kupunas. When former Mayor Kim created PONC he knew there would be problems. Everybody wants lands for parks and PONC has to make decisions when they have no jurisdiction over these lands. The State and County is doing everything fraudulent, he is the evidence, not the crime. What authority does PONC have to determine who gets what money for grants to take care of the land. (*Mr. Lui showed the commissioners pictures of wildlife that lives on the lands and food that is grown in the area*). He has been growing food and living off the land for 20+ years. He has also been paying for the toilet which is still not down at the beach and if anybody gets hurt the County is liable. He has been taking care of these lands for free and now these groups want to come in with their own agenda; PONC can be charged with crimes.

### **KITTRENA MORGAN**

Ms. Kittrena Morgan noted that she was present at the Council meeting on July 1<sup>st</sup> and it was apparent that no one in the County knows what they are doing in regards to stewardship grants. The grant application for Uhane Pohaku concerning Kāwā is in-correct; there has not been a community meeting for the past 2 ½ years. Now they want to move in with money and take over lands that were planted and cared for by Abel all these years, they don't have the right to do this.

Since the County claims to have purchased Kāwā for public access, handicap people cannot get in, the only way in is through a 4x4 access road. There are no toilets on the beach so people leave toilet paper everywhere of which they clean, the County has done nothing. A few months ago she called DLNR regarding the Federal RLA grant and no performance reports have been submitted which means that the County is in non-compliance. Also the Apiki ohana which was approved by Karen Teshima has been spraying round-up around the pond.

### **SUSAN FORBES**

Ms. Susan Forbes updated the Commission about the recent site visit to Hakalau Point that Ms. Nicholson and Ms. Siracusa were able to attend. She talked about the significant Hawaiian history in the area and the experience and sharing of cross generations of people who grew up and lived there. There's almost a reverence for the sharing of deep history by the kupuna and old time leaders of the plantation among the newcomers. This property is the only plantation site that is undeveloped and the current landowner has shared his timeline for development and has submitted a subdivision application to the Planning Department with construction expected to commence in fall 2016. This property is an important historic site and it is crucial that the natural resources are protected.

Ms. Siracusa asked if the park below is part of this parcel. Ms. Forbes replied no that parcel is already owned by the County.

Ms. Fischer asked where is the location of the fishing trail. Ms. Forbes pointed it out as on the ocean side of the proposed park shown in dark green on the map that was provided to the Commission. Ms. Fischer noted that if the care and maintenance of the property below continues for this property that would be great. Ms. Forbes commented that Braddah Skibs and Basic Image does a really good job with maintenance and will do so for Hakalau Point if acquired.

Mr. DeLozier noted that they will take an agenda item out of order since Mr. Van Bergen is present.

### **NEW BUSINESS**

- **Update to the Commission by a representative from Parks & Recreation (P&R) on the recent County Council Approval of Resolution No. 252-15 to award a Public Access, Open Space and Natural Resources Preservation Maintenance Stewardship Grant to Pōhāhā I Ka Lani for Waipi‘o Valley Lookout, Hāmākua, Hawai‘i, Tax Map Key: (3) 4-8-04:06**

Mr. Van Bergen, Deputy Director for P&R reported that the resolution was recently passed by the County Council (Council) for the one stewardship grant application that was submitted last year. This year there was only one application submitted by the same group and P&R needs to meet with them to go over some duplications in their submittal before moving forward.

Ms. Siracusa told Mr. Van Bergen that she never saw the grant application and assumes that he is just here to provide an update and information to the Commission. Mr. Van Bergen replied that at this point there is nothing for the Commission to do; that will change in the future depending on Council passing the amendment to their duties.

### **APPROVAL OF MINUTES**

Mr. DeLozier asked for the commissioners to review the minutes. Ms. Nicholson asked that on page 5, top paragraph, “ride-off” be changed to “write-off.” Also on page 8, bottom paragraph, she asked to clarify the sentence which reads “Ms. Fischer replied yes, that’s correct, however is no longer on the CDP.” Ms. Fischer clarified that her term expired on the CDP, and that some of the properties were submitted after the North Kohala CDP was enacted.

Ms. Siracusa pointed out that on page 5, top paragraph, the Maintenance Fund (FUND) does allow to pay for archaeological surveys and is a permitted use of the (FUND). Community groups should re-visit the guidelines of the FUND when applying for monies.

Ms. Fischer noted that on page 2, second to the last paragraph, she confirmed with Ms. Withington that the priority should be changed to read Hapu‘u to Kapanai‘a Cultural Corridor as the most urgent however did not clarify the order for Halelua and Niuli‘i.

**Motion: Commissioner Siracusa moved to approve the minutes of July 13, 2015, regular session as amended. Seconded by Commissioner Nicholson; all other members voted aye, motion carried.**

## **WRITTEN COMMUNICATION**

Communication No. 15-017: In The Court & Suit of the Sovereign Aupuni O Ko Hawai'i Pae Aina Praeipce at Law Article III Judicial Proceedings, re: Immediate Withdrawal to Illegal Purchase of Ceded Land Trust of the Hawaiian Kingdom dated July 16, 2015 from The Honorable Moses Enoka Heanu, Hawaiian Judiciary

Mr. DeLozier asked for a motion to accept and file.

**Motion: Commissioner Siracusa moved to accept and file Communication No. 15-017. Seconded by Commissioner Nicholson; all other members voted aye, motion carried.**

Communication No. 15-018: Letter dated August 18, 2015 to Mr. Timothy DeLozier, Chair, PONC, from Leo R. Asuncion, Acting Director, Office of Planning, State of Hawai'i, re: Transmittal of hard-copy: Alternative Funding Mechanisms for Acquisition, Improvement, and Maintenance of Shoreline Public Access (2014), Revised Appendix B, May 2015

Mr. DeLozier asked for a motion to accept and file. Ms. Nicholson asked if there's a hard copy. Ms. Kelepolo noted that if anyone wants a copy to let her know since it's a large report.

**Motion: Commissioner Siracusa moved to accept and file Communication No. 15-018. Seconded by Commissioner Nicholson; all other members voted aye, motion carried.**

Communication No. 15-019: Bill No. 90: An Ordinance Amending Chapter 2, Article 42 of the Hawai'i County Code 1983 (2005 Edition, as amended), relating to Public Access, Open Space, and Natural Resources Preservation

Mr. DeLozier asked for a motion to accept and file. Ms. Nicholson moved to accept and file Communication No. 15-019.

Ms. Siracusa commented that she agrees that this is a change needed since PONC has more expertise to evaluate and manage stewardship grants however she has logistical questions. Ms. Castillo Hall told Ms. Siracusa that this will be discussed later in the agenda and right now they are just accepting and filing Communication No. 15-019.

**Motion: Commissioner Nicholson moved to accept and file Communication No. 15-019. Seconded by Commissioner Fischer; all other members voted aye, motion carried.**

## **DEPARTMENT OF FINANCE REPORT**

Mr. Ventura asked if the Commission has any questions. Ms. Siracusa asked that in regards to negotiations for the Vacationland Land Trust who have replaced Sandy Song. Mr. Ventura replied that we have not been notified at this time who will be replacing her and as far as negotiations going forward we are still waiting for the Legacy Land Conservation Program funding to come through.

## **OFFICE OF THE CORPORATION COUNSEL'S REPORT**

Ms. Castillo Hall asked if the Commission has any questions. She noted that one application has been received for stewardship grants but before PONC can even look at the application they would need to amend their rules. When they do amend their rules they will need to schedule a public hearing and also give a 30 day notice which must be advertised in both newspapers. They will discuss later on the timing depending on the outcome of Council approval for Bill No. 90. The Commission may need to consider additional meetings in the future to accomplish additional tasks incurred.

Ms. Nicholson asked that since the grant applications have already come in for this year, they're not going to be solicited until next spring, is there a quick push on why we need to get this done. Ms. Castillo Hall replied that we have one application from the same applicant; the grant submitted last year is done and we want to do it before the end of the fiscal year. Mr. Ventura noted that usually the funds are available for one year, what we want to do is award before the end of the fiscal year so going forward it becomes an easier process for applicants. Ms. Nicholson asked when does the clock run out for the 2014-2015 application. Mr. Ventura replied that it should be a year from the date of the actual disbursement. Ms. Karen Eoff added that because it's coming from a special fund it doesn't have to be tied to the County's normal fiscal year budget for grant awards. The year starts from when the grants are actually awarded. She suggested that the Commission set deadlines in their rules not based on the County's budget. Ms. Nicholson noted that she does not want to rush the process just for some phantom deadline rather than give the public and the Commission enough time since this is a major change. Ms. Eoff noted that the bill is on the agenda for Wednesday and assumed that there would be more applicants; she wanted to give the Commission a role to play in this process. Amendments can also be made to this bill since it will require three readings before it becomes law.

Ms. Siracusa asked if there's anything in the regulations stating the deadlines. Her concern is that they are lumped into everything at the end of the year which places a hardship on everyone. Is there a way to divide up the year so that stewardship proposals will be reviewed the first half and acquisitions the second half. Ms. Castillo Hall replied that currently the deadline to submit stewardship grant applications is by August 31<sup>st</sup> and if it's in the Charter it cannot be changed.

## **CHAIRPERSONS REPORT**

Mr. DeLozier had nothing to report.

## **UNFINISHED BUSINESS**

- **Commission to discuss, review and assess Suggestion Forms submitted by the public for 2015**

Ms. Kelepolo noted that this agenda item would allow the Commission to discuss further on any properties before the scores are finalized. Mr. DeLozier suggested that before any discussion he wants to hear the report from the Ad Hoc Committee.

**Recess: 11:25 a.m.**

**Reconvened: 11:39 a.m.**

## **NEW BUSINESS (continued)**

- **Commission to discuss Communication No. 15-019: Bill No. 90: An Ordinance Amending Chapter 2, Article 42 of the Hawai‘i County Code 1983 (2005 Edition, as amended), relating to Public Access, Open Space, and Natural Resources Preservation (scheduled for the Finance Committee Meeting on Tuesday, September 15, 2015)**

Ms. Eoff thanked the Commission and commented that although the Commission and the FUND may not be perfect, PONC is the best tool that they have to preserve lands and protect the natural resources. Ms. Ford was able to initiate the charter amendment which created the maintenance fund and in the provisions there is this opportunity for stewardship grants. Over the last two cycles it hasn't been a successful vibrant program. In July when P&R came forward she was dismayed that out of five applicants only one was partially recommended. It seemed that there was a disconnect; either the nonprofits didn't know the criteria or P&R did not have the resources to analyze the applications properly. With the amount of lands already acquired, we really need to focus on maintenance and she feels that PONC is the proper fit to review the stewardship grant applications. She did not want to make changes to the County Charter (Charter) which is a process, so decided for now, to amend the County Code (Code) by incorporating the additional duties and responsibilities to PONC.

She asked the Commission to review the draft of Bill No. 90 and welcomed suggestions and/or comments from the commissioners. This draft was a collaborative effort with staff from Finance, P&R and Corporation Counsel along with approval from Ms. Ford. She asked that they look over the duties that are incorporated into the Code and noted that with more and more land acquired, the County is going to have to engage with lineal descendants of the land and community groups. Bill No. 90 will be heard at Finance Committee on Wednesday and if it passes two additional Council readings the Mayor would sign and the bill becomes law. She was concerned with the timeline since she thought there would be more applications however with only one application submitted it shouldn't take as long.

Ms. Siracusa stated that she supports Bill No. 90, PONC is a better fit than P&R but she has some concerns. PONC would be taking on a lot more work, not only the Commission but the staff as well. With the budget reduced how would they balance out these factors. Ms. Eoff replied that in the Code it does mention adequate staffing for Finance and in the Charter it addresses staffing for P&R. Ms. Kelepolo replied that she consulted with Finance Director Deanna Sako and the budget for PONC will be increased for next fiscal year however since this is new to everyone involved we are going to go through one cycle for now until we know how much work is generated and go from there. Ms. Eoff added that adequate staff is very important; as more lands are acquired it will be evident. Maybe in the next budget cycle a position could be added; that can be a later discussion with Finance.

Mr. DeLozier noted that the language is loosely written which is great and at this point P&R has some deadlines already set. How much flexibility is there in working together with P&R to set-up timelines. Ms. Castillo Hall replied that she does not see a deadline regarding when it's due, just the requirement to post when funds are available by August 1<sup>st</sup>. Ms. Nicholson asked isn't that kind of information separate and wouldn't be noted in the bill anyways. Ms. Castillo Hall replied that their concern is that all 501(c)(3) community groups are aware that grants are available, having a deadline for them to apply, and the timeline for review, awarding, disbursement and submittal of reports.

Ms. Eoff added that one of the models she looked at was the County nonprofit grant application process. The Council sits on one million dollars every year to be awarded in the community for social services. The Council forms an ad hoc committee which interviews the applicants, makes recommendations and reports back to the Council which would be similar to what PONC would function as. Ms. Siracusa added that the deadline for nonprofits to submit applications is by January 31<sup>st</sup>. Ms. Eoff stated that PONC does not have to work with the fiscal year deadline. Ms. Castillo Hall noted that the Charter does not make any mention as to the deadline to submit the stewardship grant application, it does say that within one year or less they have to submit a report on how they're using the money and what has been completed.

Ms. Nicholson commented that P&R would set the deadlines assuming that P&R would receive the applications, screen the applicants and make sure that they are qualified. Ms. Castillo Hall replied that this is why they are asking PONC to do this; they have no system set up to review grants. Ms. Eoff stated that per the Charter, P&R must receive the applications. Ms. Nicholson clarified that PONC would determine eligibility as well as reviewing the organizations, that's a big job. Ms. Eoff added that the nonprofit grant applications are all turned into Finance and is either accepted or rejected and screened before it comes before Council and she doesn't know if they will continue to do that. Ms. Nicholson thinks that part of their concern was that P&R didn't do a good job informing these organizations what they could apply for. Since applicants weren't properly informed, whose role would that be, P&R or Finance. Ms. Eoff suggested that they have a checklist on the application that is very specific making sure that the grant application also lists what funds can be used for. Ms. Kelepolo clarified that in speaking with Mr. Van Bergen, P&R is only going to receive the application and forward to PONC who is going to handle everything else. Once their recommendation is submitted to the Director of P&R for review it can then be forwarded to Council. Ms. Nicholson said that if P&R is still writing the grant application and the guidelines then that's clearly a problem. Ms. Kelepolo replied that by PONC taking over these duties they can revise the forms and create guidelines as necessary.

Mr. DeLozier commented that he has a concern that a timeline is missing with the addition of (5), (6) & (7) in §7, 2-217. Would this be the proper place to address this. §10-16(h)(3) in the Charter talks about the public notice deadline of August 1<sup>st</sup> each year. Ms. Eoff replied that there's nothing specifying a timeline for how soon P&R will review the application which is why it took so long. Ms. Nicholson suggested that the deadlines for PONC be incorporated into their rules. She added that the applicant needs to know what the timeline is like; they are going to write their application based on when funds are available. Ms. Castillo Hall suggested that if they plan on setting deadlines, Ms. Siracusa had a good idea of working on property reviews/rankings the second half of the year and grant reviews the first half.

Mr. DeLozier is concerned that the way he's reading it there's nothing that says any money is ever going to be given or a deadline for the Commission to review the grants and make their recommendations to P&R. Ms. Eoff commented that she doesn't know where P&R got the August 31<sup>st</sup> deadline to submit applications and needs to clarify.

*(the commissioners went into discussion to review and edit draft of Bill No. 90, §6(e), §2-214.2. - Public access, open space, and natural resources preservation maintenance fund)*

Ms. Nicholson noted that on §6(e), why does it say “may be provided,” they have to be a 501(c)(3) nonprofit. Shouldn’t the language be parallel to what the Charter says by also adding “or an organization under the umbrella of a 501(c)(3)” to the end of the sentence. Ms. Castillo Hall replied yes that would be correct.

- (e) Pursuant to section 10-16 (h) of the Charter, and article 25 of this chapter, stewardship grants may be provided to 501(c)(3) nonprofit organizations or an organization under the umbrella of a 501(c)(3).

*(the commissioners went into discussion to review and edit draft of Bill No. 90, §6(a), §2-214.2.- Public access, open space, and natural resources preservation maintenance fund)*

Ms. Nicholson asked that if the lands are acquired with County and other funds (i.e. Legacy Lands, etc.), is this language implying that only lands acquired with 100% of PONC funds qualifies. Ms. Castillo Hall replied that she took this language straight from the Charter §10-16 (a). Ms. Nicholson asked if someone donates lands to the County for the same purposes that PONC functions as, can maintenance funds be allocated even if actual PONC funds weren’t used to acquire it. Ms. Castillo Hall replied that what we are specifically addressing is to give PONC the stewardship grant responsibility. As long as a portion to acquire land comes from the PONC fund it will qualify for stewardship grant funds.

Ms. Nicholson asked that if the lands in Hakalau were donated, the community group there wouldn’t be able to apply for stewardship grants. Ms. Castillo Hall replied yes, that’s right, the PONC stewardship grant funds will only follow the PONC acquired properties. Mr. DeLozier suggested that they insert “in full or in part” to the section which will clarify who’s eligible.

- (a) Pursuant to §10-16(c) of the Charter, a special fund known as the public access, open space, and natural resources preservation maintenance fund is established. The purpose of this special fund is to accrue and use moneys for maintenance of lands and easements acquired in full or in part by the public access, open space, and natural resources preservation fund.

*(the commissioners went into discussion to review and edit draft of Bill No. 90, § 6(b), §2-214.2. - Public access, open space, and natural resources preservation maintenance fund)*

Ms. Siracusa asked in regards to §6(b) it seems that P&R shouldn’t get the adequate staffing, PONC should. Ms. Eoff replied that in §2-218 (d) of the Code it already states that adequate staffing should be provided in Finance and P&R has staff right now providing support for maintenance of these lands.

*(the commissioners went into discussion to review and edit draft of Bill No. 90, §7(5)(6)(7), §2-217 - Duties and responsibilities of the commission)*

Mr. DeLozier noted that it seems they are all good with inserting deadlines in this section and they need to decide on what to do. Ms. Nicholson stated especially if they have to write the rules, however the rules will not apply to the organization that was just approved by Council. Ms. Castillo Hall replied that the intent was to start with the first organization. Ms. Eoff added that there’s been one cycle that PONC had nothing to do with, now the same organization submitted another application in August of this year which would come before PONC for review. The stewardship grant that just

passed hasn't been awarded funds yet, they still need to sign a contract. She suggested that in their rules a timeline be set stating the deadlines to review grants, award funds, etc. and then language can be inserted into the Code referencing that. Mr. DeLozier commented that it seems that it's going to pattern after all grants awarded by the County.

Ms. Eoff noted that Article 25 of the Code outlines all of the criteria for nonprofit grant awards by the County which are annually. Mr. DeLozier's concern is that this process is similar to what they do for nomination of lands; they are doing the evaluating portion but are not ultimately responsible. Their accountability is to establish how often and what would the deadline be to communicate what they're responsible for to P&R. If they use their deadline of December 31<sup>st</sup> for submitting the annual report to the Mayor as a starting point, they can figure out a way to balance their duties out. Mr. Ventura suggested that stewardship grant reviews take place in January after they've completed their annual report. Mr. DeLozier asked how often will they communicate with P&R, do they need to request for the applications also. Ms. Eoff said that per the Charter, P&R has to receive the applications and they will forward to PONC. Mr. DeLozier asked should they review by calendar or fiscal year. Ms. Castillo Hall replied that it should be better to do a fiscal year only because there's only one applicant this year. Mr. Ventura added that P&R waited until June 30<sup>th</sup> to provide an evaluation of the application that was submitted in August of the year before. If they review applications in January they can be ahead of the process by 3-6 months.

**Recess: 12:42 p.m.**

**Reconvened: 12:55 p.m.**

*(the commissioners continued their discussion to review and edit draft of Bill No. 90, Section 7(5)(6)(7), §2-217 - Duties and responsibilities of the commission)*

Mr. DeLozier noted that when they work on the prioritized list and annual report there's a lot of structure in their deadlines. The stewardship grant review process is a whole different animal and taking into account what Ms. Nicholson brought up about timing there isn't anything that says they have to follow a rigid schedule. He wants to keep the deadline flexible, there's nothing that says there has to be a deadline for applications to be submitted. He suggested that they include in (5) that the Commission has six months from date of receipt to make a recommendation to P&R, that way they're not sitting on any applications. He added that if six months is their deadline, there won't be nonprofits waiting forever and would give the Commission three meetings to review and make their recommendations. Ms. Siracusa commented that if an applicant made the request for purchase of lands, they would want to do a land management plan to submit with their stewardship grant, this gives them a window of opportunity between the actual purchase and when they can submit their plan. Mr. DeLozier added that on the flip side, the Kohala properties could have everything in place for stewardship grants however it might take Council so long to get everything approved, that could be a huge disadvantage for the nonprofit that will have to wait a whole year to apply. It's a win-win for everyone if they keep the submittal of applications flexible.

Ms. Eoff clarified that it may be easier for PONC to accept stewardship grant applications throughout the year and just make reference in the Code and the ad that is published in August.

*(the commissioners discussed where to insert the language to address the deadline)*

- (5) To review, evaluate, and make recommendations to the director of the department of parks and recreation regarding applications for stewardship grants from the maintenance fund, within six months of receipt of each application.

Ms. Siracusa asked if they could get a copy of the guidelines that P&R put together for reviewing stewardship grants. Ms. Kelepolo will follow up with P&R.

Mr. DeLozier thanked Ms. Eoff for her efforts and for soliciting their feedback. Ms. Eoff told them that she will incorporate their amendments when Bill No. 90 goes before Finance Committee on Wednesday and asked if anyone wants to come and testify in support they're welcome to do so. Ms. Castillo Hall, Mr. Ventura and Mr. Van Bergen will also be present to answer questions.

- **PONC Ad Hoc Investigative Committee to provide a report to the Commission regarding site visits to Lands of Kalihi, South Kona, TMK's: (3) 8-9-03:05; 8-9-10:01, 02, 08 & 09 and Hakalau Point, South Hilo, TMK's: (3) 2-9-02:79 & 81**

*(Ms. Nicholson provided a written report to the Commission for site visits to Lands of Kalihi and Hakalau Point.)* Ms. Nicholson reported on the first site visit on Thursday, August 27, 2015 to Lands of Kalihi in Honomalino, South Kona. The main thing she wanted to point out is that if the Commission decides to put this property on the prioritized list it's not going to change any aspect of public access; it already serves as a public access to Honomalino bay. There is no evidence of access from Highway 11 and they couldn't see any archaeological features or determine how the County would benefit by acquiring this parcel.

Ms. Nicholson reported on the second site visit on Tuesday, September 8, 2015 to Hakalau Point in South Hilo. They were able to do a thorough walk through of the property and get a feel for the area, however there are fire ants on the property and one thing the County would need to address is an area of arsenic poisoning in the soil from past plantation operations. What is impressive is that there is a very active community group that is interested in taking over stewardship and management of the property if acquired.

Ms. Nicholson also noted that they tried to find the Ka'awali'i Gulch property since they were in the area and was unable to specifically find where it was. It's obviously a highly vegetated, very steep piece of property which couldn't be developed anyways.

Ms. Siracusa added that site visits are very important for commissioners to get a more accurate evaluation. In regards to the site visit for the Lands of Kalihi, there was a large disconnect based on what was submitted on paper versus what was actually there. The photographs submitted were actually of the bay adjacent to the actual property and it was very misleading. She agrees with Ms. Nicholson on her comments for Hakalau and also noted that for Ka'awali'i Gulch they couldn't tell where the access was and agrees that the property couldn't be developed. She further commented that if the current owner of Hakalau plans to develop he would need to have a remediation report done with Dept. of Health to address the arsenic however if the community doesn't do anything but just mow the property the arsenic wouldn't come into play.

- **Commission to discuss the ranking and approve the 2015 Prioritized List of Properties**

*(the commissioners went into discussion)*

**Recess: 1:45 p.m.**

**Reconvened: 1:57 p.m.**

*(the commissioners continued their discussion)*

Ms. Kelepolo read the properties and scores as ranked for the 2015 Prioritized List of Properties:

- #1 (396) - Hapu‘u to Kapanai‘a Cultural Corridor
- #2 (381) - Halelua
- #3 (376) - Hakalau Point
- #4 (365) - Māhukona
- #5 (356) – Niuli‘i
- #6 (339) - Lamaloloa
- #7 (315) – Keawenui
- #8 (309) - Kukuipahu-Hā‘ena Corridor
- #9 (236) - Lands of Kalihi

Ka‘awali‘i Gulch scores 126 however the score is not over 50% of the total points and does not make the prioritized list.

**MOTION: Commissioner Fischer moved to approve the 2015 Prioritized List of Properties. Seconded by Commissioner Tomich; all members voted aye, motion carried.**

- **Commission to discuss the drafting of the 2015 Annual Report to the Mayor**

*(the commissioners went into discussion)*

Ms. Kelepolo told the commissioners the deadline to submit their write-ups and revisions will be by October 23<sup>rd</sup>. Mr. DeLozier noted that they will continue discussion and finalize at the November meeting.

- **Schedule and approve meeting date/location (tentatively set for Monday, October 19, 2015 in Hilo, Hawai‘i) for Public Hearing by the County of Hawai‘i, Department of Finance revising Administrative Rules regarding the Public Access, Open Space and Natural Resources Preservation Commission relating to amendments outlined in Communication No. 15-019, Bill No. 90**

Ms. Castillo Hall noted that they were only going to schedule this meeting if they had a deadline to meet. After the discussion today they are not in a time crunch so they no longer need to have a meeting in October.

- **Commission to discuss, review and revise the Rules of Practice and Procedure of the Hawai‘i County Public Access, Open Space and Natural Resources Preservation Commission based on the amendments outlined in Communication No. 15-019, Bill No. 90**

Ms. Castillo Hall told the commissioners that they don’t have to do this right now. They will discuss changes to the rules at the November meeting instead and make changes once Bill No. 90 is approved by Council and becomes law.

## **ANNOUNCEMENTS**

The next meeting is scheduled for Monday, November 9, 2015, 10:00 a.m. in the Hawai'i County Building, Council Chambers, 25 Aupuni Street, Suite #1401, Hilo, Hawai'i.

Mr. DeLozier set the agenda for the next meeting to include approval of the 2015 Annual Report to the Mayor, election of new officers and scheduling of Commission meetings for 2016.

## **ADJOURNMENT**

**Motion: Commissioner Siracusa moved to adjourn the meeting. Seconded by Commissioner Fischer; all members voted aye, motion carried.**

Meeting adjourned at 2:53 p.m.

Respectfully submitted,

Alexandra Kelepolo  
Property Management Technician