

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

MINUTES-REGULAR SESSION

November 9, 2015

Hawai'i County Building, Council Chambers  
25 Aupuni Street, Suite #1401  
Hilo, Hawai'i 96720

Present: Interim Chair Marilyn Nicholson  
Commissioner Kai'ena Bishaw II  
Commissioner Susan Fischer  
Commissioner William Meyers  
Commissioner Cynthia Nazara  
Commissioner René Siracusa  
Commissioner Kekaulike Tomich

Absent: Chair Timothy DeLozier  
Vice-Chair Barbara Bell

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 Ms. Nicholson at 10:02 a.m. Due to the absence of Chair DeLozier and Vice-Chair Bell she will move the agenda item for new business, Election of new officers for 2016 so that they can elect a Chair and Vice-Chair. Ms. Siracusa nominated Ms. Nicholson to be Chair. Ms. Nicholson prefers that someone else is Chair since she's already served. Mr. Meyers nominated Ms. Siracusa to be Chair. Ms. Siracusa prefers not to since she hasn't been on the Commission that long. Ms. Nicholson asked if they could have a temporary Chair just for this meeting and elect officers for 2016 at the next meeting. Ms. Siracusa nominated Ms. Nicholson.

**MOTION: Commissioner Siracusa moved to nominate Commissioner Nicholson as Chair for this meeting. Seconded by Commissioner Bishaw; all other members voted aye, motion carried.**

## **STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS**

### **SUSAN FORBES**

Ms. Susan Forbes spoke in support of Hakalau Point and noted that in the audience there are several attendees that have lived in the area encompassed by the old plantation, someone born in the old plantation hospital, one born and raised in Ninole and also raised in Wailea as a child. They are all present today in strong support of this acquisition.

She is testifying in response to Mr. Shropshire's letter to the County and thanked Mr. Shropshire for his openness in considering selling Hakalau Point to the County. Shortly after the PONC Suggestion Form was submitted in July, Mr. Shropshire expressed the need to pursue his development plans. She understands that a willing seller is required and they are hopeful that if and when the time comes for a PONC acquisition the property will still be available.

Ms. Forbes stated that Hakalau Point is a unique site on the island for its cultural heritage and Hawaiian history. This area is a resource for residents of the big island and tourists alike. Once developed whether for residential, commercial or industrial usage this unique resource will no longer be available for open space and development cannot be undone.

### **DR. ROBERT NISHIMOTO**

Dr. Robert Nishimoto, a resident born and raised in Ninole, a town about three miles north of Hakalau Point spoke in support. He attended a small plantation school, Laupāhoehoe High School, UH-Hilo and later joined the Peace Corps. He received his Ph.D in Florida and recently retired from DLNR, Division of Aquatic Resources and made the full circle to come back home; which is very important to him and his family. He grew up in Ninole and his grandparents were immigrants and also a big part of the Hakalau plantation community. They really solidified the social fabric of the community, and the most important time was when he learned to play baseball in Hakalau. When the sugar plantation left the whole fabric of the community left with them, the sense of community and of having respect for neighbors was gone, but he is very proud that he had the opportunity to experience that.

Now in Hāmākua what he sees is homes, subdivisions and at mile marker 20 there is even a 20 million dollar sod farm for sale. The point he is trying to make is that he's a Japanese immigrant with no home, he's lost all connection to Japan as a result of World War II; he has no home and nowhere to go. The only place he calls home is where his roots are in Ninole. What keeps him attached to home is the cemetery. During the obon festivals spirits come back to visit the headstones, and he is very protective over cemeteries that are destroyed since there is minimal protection for gravesites. Lastly, the plantation and the buildings in Hakalau are the only place left that he can call home. He supports this proposal and if the County has the funds available to acquire, it will protect one of the very few open space lands left along the Hāmākua coast.

## **APPROVAL OF MINUTES**

Ms. Nicholson asked for the commissioners to review the minutes. She asked for clarification on page 7 of the minutes, top paragraph, “*The Council sites on one million dollars every year to be awarded in the community for social services.*” Ms. Kelepolo replied that it should be sits not sites and will make that change.

**Motion: Commissioner Siracusa moved to approve the minutes of September 14, 2015, regular session as amended with the correction of the typographical error on page 7. Seconded by Commissioner Meyers; all other members voted aye, motion carried.**

## **WRITTEN COMMUNICATION**

Communication No. 15-020: Letter dated September 15, 2015 from Steve Shropshire, Aloha Green, re: Hakalau Point, South Hilo, Hawai‘i

Communication No. 15-021: Letter dated September 21, 2015 to Steve Shropshire, Aloha Green, from Hamana Ventura, Property Manager, County of Hawai‘i, re: Response to letter dated September 15, 2015, Hakalau Point, South Hilo, Hawai‘i

Communication No. 15-022: Bill No. 90 (Draft 3): 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

Ms. Nicholson asked for a motion to accept and file Communication Nos. 15-020 and 15-021. Ms. Siracusa asked if there was any additional communication received for this request after the agenda was posted. Ms. Kelepolo replied no.

**Motion: Commissioner Fischer moved to accept and file Communication Nos. 15-020 and 15-021. Seconded by Commissioner Tomich; all other members voted aye, motion carried.**

Ms. Nicholson asked for a motion to accept and file Communication No. 15-022.

**Motion: Commissioner Siracusa moved to accept and file Communication Nos. 15-022. Seconded by Commissioner Bishaw; all other members voted aye, motion carried.**

## **DEPARTMENT OF FINANCE REPORT**

Mr. Ventura asked the commissioners if they have any questions. Ms. Siracusa asked for an update on the Vacationland Land Trust acquisition. Mr. Ventura replied that the County is still moving forward with this acquisition. The owner has not assigned a new legal counsel yet and in the meantime we are processing the grant agreement from the State, Legacy Land Program.

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

Ms. Castillo Hall noted that there are two commissioners present that will need to be re-appointed. They filled vacancies in the ending of the term and are still eligible to re-apply for an additional full term. Ms. Fischer and Mr. Tomich will need to once again be confirmed by Council and sworn in. Ms. Kelepolo will let them know when their confirmation will be on the Council agenda.

## **CHAIRPERSON'S REPORT**

Ms. Nicholson has nothing to report and Mr. DeLozier did not provide any communication to report either.

## **UNFINISHED BUSINESS**

- **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. 15-022, Bill No. 90 (Draft 3)**

Ms. Nicholson asked the commissioners to take a few minutes to read the changes to the rules. Ms. Kelepolo noted that she incorporated the changes that were reflected in Bill No. 90 to be consistent however they can also add any additional changes they feel are necessary. She added that in order for PONC to take over the additional duties of reviewing the stewardship grants, their rules must be changed and approved by the County Clerk and the Mayor. In addition a public hearing must be scheduled and a notice published in the newspaper allowing 30 days for the public to review and comment. Ms. Castillo Hall suggested that they move this discussion to the end of the agenda to give them time to review the new language.

**Motion: Commissioner Siracusa moved to move this agenda item to the end of the meeting. Seconded by Commissioner Fischer; all members voted aye, motion carried.**

## **NEW BUSINESS**

- **Commission to review, finalize and approve the 2015 Annual Report to the Mayor**

*(the commissioners went into discussion)*

**Motion: Commissioner Meyers moved to include the rules as an appendice in the 2015 Annual Report to the Mayor. Seconded by Commissioner Bishaw; all members voted aye, motion carried.**

**Recess: 10:55 a.m.**

**Reconvened: 11:10 a.m.**

*(the commissioners continued their discussion)*

Ms. Valerie Poindexter, Councilmember for District 1, commented on the Hakalau property and noted that her concern is for the cliff sides in Hāmākua. She cannot find any studies showing that the County has the proper setbacks for any buildings on the coastline. With the big rains there have been landslides in the gulches and the Hakalau area, and her concern is allowing developers to come in and build along the Hāmākua coast in a setback that is not proper without the justification of cliff side studies. She is working with the senators and representatives to see if the State could possibly fund this.

Ms. Siracusa asked if that happens and the setbacks are increased would that make the development plans less attractive. Ms. Poindexter replied yes, definitely, developers would think twice about wanting to build near the cliff. She is concerned about the safety of the people and just wants to ensure that the proper setbacks are put in place to address this.

*(the commissioners continued their discussion)*

**Motion: Commissioner Siracusa moved to approve the 2015 Annual Report to the Mayor. Seconded by Commissioner Bishaw; all members voted aye, motion carried.**

**UNFINISHED BUSINESS (continued)**

- **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. 15-022, Bill No. 90 (Draft 3)**

*(the commissioners continued their discussion)*

**Motion: Commissioner Siracusa moved to approve the Rules of Practice and Procedure of the Hawai'i County Public Access, Open Space and Natural Resources Preservation Commission as amended. Seconded by Commissioner Fischer; all other members voted aye, motion carried.**

**Lunch: 12:30 p.m.**

**Reconvened: 1:05 p.m.**

**NEW BUSINESS (continued)**

- **Schedule and approve meeting date/location 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. 15-022, Bill No. 90 (Draft 3)**

Ms. Nicholson suggested that they schedule this meeting right before their next regularly scheduled meeting in January. Ms. Kelepolo asked wouldn't the rules have to be approved by the Mayor and adopted by the County before PONC could do anything. Ms. Castillo Hall replied yes, they won't be able to do anything regarding the stewardship grants if the rules are not adopted by their January meeting. Ms. Nicholson asked when would the one grant submitted come before PONC. Ms. Castillo Hall replied that the grant wasn't formally transmitted to PONC from P&R yet. They would need to schedule the public hearing in December in order to have the rules approved in time for January's meeting. Ms. Kelepolo noted that the public hearing would be quick and she would only need a quorum of five members. She is looking at Monday, December 14<sup>th</sup> and asked who would be able to attend. Mr. Tomich asked how long it will take the Mayor to sign the rules. Ms. Kelepolo replied that once it's approved the Chair signs the rules, it goes to the County Clerk and the Mayor; it's possible to have it in time for the January PONC meeting. Mr. Tomich can attend. Ms. Siracusa cannot. Ms. Kelepolo will arrange the time and contact commissioners directly to see who can attend.

➤ **Schedule Commission meetings for 2016**

Ms. Nicholson noted that Ms. Kelepolo provided them with a calendar for 2016 with the dates highlighted for upcoming meetings with the first meeting in Hilo on January 11<sup>th</sup>.

➤ **Commission to discuss and schedule who will be attending various CDP/community meetings to provide information to the public regarding PONC and the submission of suggestion forms for 2016**

Ms. Nicholson commented that it seems a little early to be discussing this agenda item. Ms. Kelepolo replied that she was contacted by Mr. Hans Santiago of Planning Department who informed her that the CDP meetings were going to be reduced from monthly to every other month due to budget cuts. Since members of PONC attend various CDP meetings he suggested that to allow time for the CDP members to nominate and/or discuss properties that a PONC presentation be done at the January 12<sup>th</sup> Puna CDP meeting instead. Ms. Nicholson asked if there's anyone willing to attend the Puna CDP meeting and do a quick presentation. Ms. Siracusa said that she can attend. Ms. Nicholson told her to check with Ms. Bell to see if she would also like to join her. Ms. Kelepolo will provide the brochures and handouts for the meeting.

## **ANNOUNCEMENTS**

The next meeting is scheduled for Monday, January 11, 2016, 10:00 a.m. in Hilo, Hawai'i (location to be determined).

Ms. Nicholson set the agenda for the next meeting to include the election of new officers for 2016, review of PONC stewardship grant application, review of suggestion form and assessment criteria form and discuss who will be attending the various CDP 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 1:22 p.m.

Respectfully submitted,

Alexandra Kelepolo  
Property Management Technician