

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

MINUTES-REGULAR SESSION

January 11, 2016

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

Present: Chair Timothy DeLozier  
Vice-Chair Barbara Bell  
Commissioner Kai'ena Bishaw II  
Commissioner Susan Fischer  
Commissioner William Meyers  
Commissioner Cynthia Nazara  
Commissioner Marilyn Nicholson  
Commissioner René Siracusa  
Commissioner Kekaulike Tomich

Others Present: Ronald Kim, 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 DeLozier at 10:10 a.m.

**STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS**

**JESSE POTTER**

Mr. Jesse Potter, President of Pōhāhā I Ka Lani (PIKL), spoke on behalf of PIKL, a non-profit organization who is also the recipient of the first PONC stewardship grant for the Waipi'o parcel. He is here to testify on behalf of the second grant application submitted and also wants to welcome the commissioners on a site visit.

**KU KAHAKALAU**

Ms. Ku Kahakalau, a resident of Kukuihaele and board member of PIKL, also spoke in regards to the Waipi'o parcel. She was involved in submitting and writing the grant and noted that it was very difficult to apply for a second grant when the first one hasn't even begun and is still going through the process. PIKL is in this for the long haul and she is very excited to work with the Commission, and also excited that Waipi'o will be the first parcel to come before the Commission for review.

Mr. Potter noted that on Saturday, they will have their first get together on the Waipi‘o property and is welcoming the commissioners and staff to attend. Currently, the stewardship grants are for only one-year and they have talked to Parks & Recreation (P&R) about extending the term. In terms of the second grant, it really gets the site plan and education plan going and maintenance as well as education is very important moving forward. Waipi‘o Valley is going through a shift right now; Bishop Museum is selling 537 acres, about 75% of the valley, and education is key. The lookout can serve as an educational gateway to educate the visitors and non-local residents to steward the valley and understand and appreciate the cultural history and safety whether they go down into the valley or not.

Ms. Kahakalau commented that they are not able to report on the first grant since they haven't received any monies yet. The signs that are currently at Waipi‘o in Hawaiian and English, were created by students and hopefully will help people to understand the significance and safety of Waipi‘o Valley without having to descend into the valley.

### **APPROVAL OF MINUTES**

Mr. DeLozier asked if there's any discussion. Ms. Fischer commented that on page 2, bottom paragraph, change "are" minimal protection for gravesites to "is" and include a comma after acquire on the last sentence.

**Motion: Commissioner Siracusa moved to approve the minutes of November 9, 2015, regular session as amended and the minutes of December 17, 2015. Seconded by Commissioner Nicholson; all members voted aye, motion carried.**

### **WRITTEN COMMUNICATION**

Communication No. 16-001: Letter dated November 23, 2015 from Mayor Billy Kenoi, re: Nomination of Susan E. Fischer, Council District 9 and Kekaulike Tomich, Council District 8 to PONC

Mr. DeLozier asked for a motion to accept and file Communication No. 16-001.

**Motion: Commissioner Siracusa moved to accept and file Communication No. 16-001. Seconded by Vice-Chair Bell; all members voted aye, motion carried.**

Communication No. 16-002: Memorandum dated December 28, 2015 from Council Member Karen Eoff, re: Request to Agendize Item for Discussion at the PONC meeting scheduled for January 11, 2016 to consider purchase of Kaloko Mauka parcel, North Kona, Tax Map Key (TMK): (3) 7-3-025:003

Mr. DeLozier asked for a motion to accept and file Communication No. 16-002.

**Motion: Commissioner Siracusa moved to accept and file Communication No. 16-002. Seconded by Commissioner Meyers; all members voted aye, motion carried.**

Communication No. 16-003: Suggestion Form received on January 4, 2016 from Tina Clothier, Peoples Advocacy for Trails Hawai'i (PATH) suggesting the purchase of Kaloko Mauka parcel – expanding public access to Makaula-‘O‘oma Section, Honua‘ula Forest Reserve, North Kona, TMK: (3) 7-3-025:003

Mr. DeLozier asked for a motion to accept and file Communication No. 16-003.

**Motion: Commissioner Siracusa moved to accept and file Communication No. 16-003. Seconded by Vice-Chair Bell; all members voted aye, motion carried.**

### **DEPARTMENT OF FINANCE REPORT**

Mr. Ventura asked the commissioners if they have any questions. Ms. Bell mentioned that she noticed that fund balances are healthy and thanked Mr. Ventura for the Pohoiki purchase. She asked if the County is moving forward with other purchases. Mr. Ventura replied that we are awaiting approval of the resolution for Wai‘opae to accept the State grant funds and the next acquisition will most likely be Kahua Olohu. Ms. Siracusa noted that with the death of Mr. Hara and their attorney Sandy Song, there was no one that could negotiate for Vacationland Land Trust; has there been a new attorney selected. Mr. Ventura will find out and let them know.

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

Mr. Kim is very excited to work with the Commission and is pleased to assist with PONC. He is impressed and pleasantly surprised to see the success of the program.

Ms. Bell questioned whether it's legally allowed for PIKL to request for temporary buildings. Mr. Kim replied that he needs to look into that.

Mr. Tomich noted that although Mr. Potter mentioned that education is not allowed, he asked Mr. Kim to clarify more on that. Mr. Kim replied that at this time we are limited to what's listed and stated in the Charter, he doesn't recall education, more management. Ms. Siracusa also wants clarification on the PIKL grant which mentions a future long term lease and asked whether leases are totally excluded and is it possible. Mr. Kim replied that leasing is a separate concept; we are giving them funds to carry out a stewardship program and feels that it's a misuse of a term. Mr. DeLozier asked the commissioners to hold off on any more questions until they get to this discussion item on the agenda.

### **CHAIRPERSON'S REPORT**

Mr. DeLozier has nothing to report.

## **UNFINISHED BUSINESS**

### **➤ Election of new officers for 2016**

Mr. DeLozier asked if there are any nominations for Chair and Vice-Chair. Ms. Siracusa nominated Ms. Bell for Chair. Ms. Bell nominated Mr. DeLozier as Vice-Chair.

**Motion: Commissioner Fischer moved to elect Commissioner Bell as Chair and Commissioner DeLozier as Vice-Chair for 2016. Seconded by Commissioner Nicholson; all members voted aye, motion carried.**

### **➤ 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. Bell asked if anyone will be attending. Ms. Kelepolo noted that this is on the agenda since the Puna CDP was scheduled for January 12, 2016, however has since been cancelled and re-scheduled for February 9<sup>th</sup>. She does not have a calendar yet of when the various CDP's meet and will send it out when she has the dates. Ms. Fischer added that the North Kohala CDP meets on the same day as PONC and will be able to attend if the March meeting is in Kona. Mr. DeLozier asked about Hāmākua CDP, Ms. Kelepolo replied that they are not ready yet.

## **NEW BUSINESS**

### **➤ Commission to discuss and select committee members for the PONC Investigative Ad Hoc Committee (AHC) for 2016**

Ms. Bell asked would these site visits take place in July or August. Ms. Nicholson noted that it should include a visit to Waipi'o since stewardship grant properties are also included. Mr. DeLozier asked if there should be two ad hoc committees; one for new properties submitted and one for stewardship grants. Ms. Nicholson noted that might be something to consider as more stewardship grant applications are awarded. Ms. Bell asked who would be interested to be on the AHC. Mr. Meyers, Ms. Nazara, Ms. Nicholson and Mr. DeLozier are all interested; Mr. Bishaw would like to be an alternate.

Ms. Bell asked Mr. Kim for clarification on whether that's allowed. Mr. Kim replied that it would be preferable to have it done more formally, if not then we have a situation where there's no distinction between the Commission and the AHC. Ms. Bell asked if they can have extra alternates. Mr. Kim replied that he has to look at that specifically in addition to any public notice requirements.

Ms. Bell asked Ms. Siracusa if she would like to be an alternate. Ms. Siracusa replied yes. Mr. DeLozier recalls that there was an extensive discussion about this with prior Corporation Counsel Craig Masuda and the AHC had to be very formal and no more than four members were allowed. Ms. Nicholson added that they would also need to select a Chair and would be willing to step down if Mr. Bishaw wants to be on the AHC. Mr. Bishaw replied that he's okay as an alternate.

Ms. Bell suggested that they just select four members right now and re-visit this down the road as more properties are acquired.

**Motion: Vice-Chair DeLozier moved that the AHC for 2016 be both for PONC acquisition properties as well as stewardship grants and comprise of Commissioner Meyers, Nazara, Nicholson and DeLozier. Seconded by Commissioner Meyers; all members voted aye, motion carried.**

Ms. Bell asked who would like to be the Chair of the AHC. Ms. Nicholson and Mr. DeLozier both mentioned that they were past Chairs. Mr. Meyers replied that he would be Chair.

**Motion: Commissioner Nicholson moved to nominate Commissioner Meyers to be the Chair of the AHC. Seconded by Commissioner Tomich; all members voted aye, motion carried.**

- **Commission to review and discuss Communication Nos. 16-002 (Letter dated December 28, 2015 from Council Member Karen Eoff) and 16-003 (Suggestion Form received January 4, 2016 from Tina Clothier) re: considering the purchase of Kaloko Mauka parcel – expanding public access to Makaula-‘O‘oma Section, Honua‘ula Forest Reserve, North Kona, TMK: (3) 7-3-25:03 utilizing funds from the Public Access, Open Space and Natural Resources Preservation Fund**

Ms. Karen Eoff thanked the Commission for all their work and it's important that she is here today to present this property, and is also looking forward to implementation of the stewardship grant review process. The land in question was brought to her attention in September, and the person that contacted her said that it would be a perfect fit for a PONC purchase. In speaking with the realtor, the owner, Ms. Gilbert, is willing to sell it to the County however time is of the essence as she is elderly and have health issues. In the meantime, a packet was put together and PATH is the applicant and also willing to steward the property if acquired by the County. The trail is heavily used by the public and has been used for many years on an undeveloped 20-acre parcel off of Ha'o Street. The neighborhood watch group, PATH and the community has taken care of the trail. This trail has also served as the main access to approximately 1,200 acres of forest reserve. In the last few years there was an effort to arrange a better access off Makahi Street that wouldn't cross private property but it's very steep, slippery and is not heavily used.

Since the packet was submitted to the County, an offer was received to purchase the property. If it was to sell she wanted to contact the new owner(s) to see if they would be interested in granting an easement to the County for the trail.

Ms. Clothier of PATH pointed out on a map where exactly the trail starts and traverses through the Gilbert property since it doesn't actually touch the forest. Ms. Eoff noted that the trail touches another private property and the landowner is aware and may be willing to grant an easement to the County.

Ms. Siracusa asked Mr. Kim that because of the extenuating circumstances can they legally move to acquire this property ahead of the normal process. Ms. Eoff thinks that if the property sells and they can work with the new owner, they might not be in such a rush if they would only acquire an easement versus fee acquisition.

Ms. Nicholson asked if Council can do a resolution for this property before PONC puts it on their list. Ms. Eoff replied that she thinks they can, it's been done in the past; however it would be more appropriate if it was on the list.

Ms. Clothier provided background information on PATH, a three decade old advocacy non-profit who advocates for bike lanes and pathways. For several years they've been working with DOFAW on the forest reserve access to convince the public to use Makahi street instead of Ha'o street. About two years ago PATH entered into a Memorandum of Agreement with DOFAW to maintain the trails in the area. PATH conducts quarterly trail maintenance workdays and she is currently working to enter into contract with a botanist to do a forestry management program to catalog what is there and make sure they are doing what they can to maintain the area. Ms. Eoff added that she spoke with Hannah Springer, Debbie Chang and Cindy Punihaole who have history and genealogy dating back to when the trail was used by cowboys and they are very supportive of obtaining a legal public access.

Mr. DeLozier asked how the property is valuable to the public. Ms. Eoff replied that the public uses the trail for hiking and access to the forest reserve. Ms. Bell feels that they think the property would've scored well if they went through the normal process. Ms. Eoff replied that at this point an easement would be great for PONC to acquire however, she's not sure how soon the property will be sold.

Ms. Bell suggested that they gather more information and come back to the next PONC meeting if there is any information to update to the Commission. Ms. Siracusa asked that she provide a species list for the property.

Mr. DeLozier commented that he appreciates the urgency however funds are limited and he doesn't see any value of this property by itself. Ms. Eoff replied that as of right now an easement would also need to be obtained over the adjacent property. Ms. Clothier told the Commission that they will keep them updated if anything changes.

**Recess: 11:24 a.m.**

**Reconvened: 11:35 a.m.**

➤ **Commission to discuss PONC Stewardship Grant Request dated August 31, 2015 from PIKL for Waipi'o Valley Lookout, Hāmākua, Hawai'i, TMK: (3) 4-8-04:06**

Ms. Bell asked that they begin discussion with PIKL for their stewardship grant request. Ms. Nicholson noted that PONC is brand new to this and they weren't involved in the awarding of the first grant, she understands that the process is still going through for that one. She asked PIKL when do they plan to start this one, are both grants going to overlap. Mr. Potter replied that the agreement P&R sent to them for the first grant will start January 1, 2016; and the grant application before them now will start January 1, 2017. They can't do two grants at once, the first grant is to create the site and educational plans and the second grant will be to implement both plans. Ms. Nicholson added that since this second grant does not start until January 1, 2017, there is not a pressing need for them to weigh in now.

Ms. Kahakalau commented that it's very important that they know if they are able to get other funding to support this on the educational side. It would be wonderful to have a five to ten year commitment and if they cannot demonstrate that then at least a two year commitment. At the present time this grant has zero personnel funds, and since there are no monies to administer the grant itself, they would need to raise additional funding. They had a grant lined up from NPS but without an agreement they weren't able to apply. It would be very helpful to know now so that they can go out and look for additional funds.

Ms. Nicholson noted that what you asked for in the grant did not include personnel but includes equipment. Is this because you got direction from P&R on what was allowable; at this point PONC is not even sure about what is allowable in terms of expenses. Mr. Potter replied that one of the clauses is that no one in the organization can get paid or receive any compensation. The grant requires that everyone volunteers their time and when they applied it wasn't clear in the guidelines whether you could do contracted services or not so they didn't apply. Ms. Kahakalau commented that the County at this time is comfortable with a few small contracts as long as it involved people from the community who were licensed. Mr. Potter added that after discussion with P&R they were able to shift some of the allocation from the first grant from purchasing fuel, etc. to having a contractor do the fencing instead. Once they were aware of that modifications were made to the grant and approved by P&R. Ms. Nicholson asked if there are changes to be made to this grant. Mr. Potter replied possibly, there could be minor shifts made. Ms. Kahakalau added that the amount would remain the same, there would be no substantial changes nor would the goals and outcome of the grant change. Ms. Nicholson asked that the shifts that were made to the grant, was that because it wasn't clear what you could do with the money. Mr. Potter replied yes, the only guidance was the grant application but there was no details listing allowable expenses, etc. nor was the grant term specified or start period. It was nearly a year before they heard from P&R on the progress of their grant application. Ms. Nicholson asked what the amount of the first grant was. Mr. Potter replied 83,500.00. Ms. Nicholson asked how the funds are to be paid out. Mr. Potter replied that 50% will be paid once the contract is executed and the remaining to be paid quarterly.

Mr. DeLozier asked Ms. Kelepolo if there are specifics or requirements for the grant. Ms. Kahakalau commented that she writes a lot of grants and this is the most difficult grant that she's had to apply for, there are no parameters and she has never seen a grant that has been limited to

only one year, that's not enough time to get everything done. Mr. DeLozier replied that the good news is that PONC will now be involved in the review process of the stewardship grants and these are issues that need to be worked through so that PONC can make proper recommendations to P&R. Ms. Kelepolo replied that P&R does not have any guidelines or rules; the only reference made is to the language in the Charter. Mr. DeLozier noted that this is something that PONC needs to put high on the priority list. Ms. Siracusa added that stewardship means long term and there's a disconnect in terms of the rules. This is a bad time to come in since now PONC is in the process of re-designing the application form, how do they look at their proposal, do they look at it in terms of the old rules or the new rules, which is not fair to PIKL.

Ms. Siracusa noted that in the grant application reference is made to "*dissuade those who have no function in Waipi'o to descend into the valley*" and "*without actually descending into the valley*" and "*protecting Waipi'o and its rim from the ever increasing onslaught of visitors to the valley.*" The Commissions first name is public access and her interpretation of this is that only members affiliated with PIKL and residents of Waipi'o are allowed into the valley. Ms. Kahakalau replied that the County has a history of supporting managing access into the valley through the Ranger Program funded by the County which provides the public information regarding safety, access, etc. The County road only goes about a mile down, there's no proper signage and most of the lands in the valley are privately owned. Ms. Siracusa told Ms. Kahakalau that she should've included that information in their application; it would've helped to clarify some areas. She asked if there's any ADA access for the public. Mr. Potter replied no, the rangers do tell people that it's a very strenuous hike, even the County restrooms located at the top do not have ADA accessibility. In regards to public access, trespassing on private property is regularly incurred and trucks ramble in the streams. The public need to be educated that this is not a public playground or a public park. Ms. Kahakalau added that the Waipi'o parcel will be open to the public so that the people can enjoy the beauty at the top and learn about the history before going down.

Ms. Siracusa asked for clarification on the equipment budget in the grant which mentions 4,000.00 for two laptop computers. Ms. Kahakalau replied that cost also includes a certain kind of software that will be required to design and create flyers and brochures in addition to web-site design. Mr. DeLozier noted that the budget items listed in the grant should've been more specific and supporting documentation of the costs attached for those items. Ms. Kahakalau replied that she would be happy to submit that information. Mr. DeLozier added that for in-kind services it would be nice to see the name of who that will be along with the hourly rate/hours to justify how the 20,000.00 got calculated. He also asked if permits are required for the twenty foot containers and shelters listed. Ms. Kahakalau replied that permits are only required if it's a permanent structure; containers are moveable and it rains so much out there they need storage for the equipment. The shelters are not permanent, the tarps will be held down by the container on one side. In the future if they are able to obtain CIP funds to look at permanent structures, it would need to be determined by the County if that would even be allowed on PONC lands.

Ms. Bell questioned that since the equipment that is purchased (i.e. trailers, containers, shelters, etc.) have a longer life than one year, does the equipment become County property. If a non-profit does not do a good job and are unable to continue stewardship of the property what becomes of the assets. Ms. Siracusa clarified that if it's determined that everything purchased

with County money becomes County property then it's not an issue. However if the non-profit disbands, the IRS requires that the assets go to either another non-profit doing similar work or an agency within County, State or Federal government.

Ms. Nicholson stated that in the grant application, the main sources of financial support states "*donation from outside individuals, as well as a variety of grants received from private and public funds.*" Does that mean the money raised is totally going to other projects and none of the donations is coming towards this project? Mr. Potter replied that the donations can be allocated; however there was no required match and they weren't aware when the first or second grant would start. Ms. Kahakalau added that Mr. Potter and his wife put in over 10,000.00 of their personal money every single year to take care of Waipi'o, along with the board members who also volunteer as much time as they can. Ms. Nicholson asked if they are planning to look for other funding sources for this contract. Ms. Kahakalau replied that they will try; it's really hard to ask right now since they don't have the executed contract and it's only for one year.

Mr. DeLozier told Ms. Kahakalau that since PONC has not invested the time to establish what the criteria is and what the rules are he doesn't want to waste their time. The information that they've provided already will be considered and factored into their discussion and PONC can talk about the process, requirements and decide on what direction they will go from there. Ms. Nicholson added that PONC needs to act as quickly as they can if there are modifications to be done it can be reviewed in a timely manner. Mr. DeLozier also stated that the way the stewardship grants are going to be handled by PONC is on an as submitted individualized basis so that non-profits wouldn't have to adhere to a strict timeline; applications will be accepted year-round and not only once a year.

Ms. Bell asked Mr. Ventura if they were comfortable with the application and they give their verbal go ahead today, would this application go to P&R with their recommendations or would the contract process take another three to four months. Mr. Ventura replied that it would take time however, when their current contract ends, the new contract will already be executed and they will have funding available to keep their cash flow in place and provide a level of comfort for the applicants. Mr. Potter noted that the Charter requires the County to advertise July of every year. Mr. DeLozier added that Deputy Corporation Counsel Castillo-Hall confirmed that there wasn't anything in the Charter specifically stating an application deadline, it only stated that the notice be advertised July of every year.

Ms. Bell suggested that they form a sub-committee to discuss and review the stewardship grant application and have a special meeting in February to finalize the draft RFP with a chronological timeline. Mr. DeLozier feels that they can accomplish the review and approval today and avoid having to schedule a special meeting next month so that PIKL knows whether they need to provide more information.

Council Member Poindexter commented that the first application went through and was approved by Council. In the meantime the second RFP came out and PIKL met the deadline and was the only applicant. Is what she's hearing that the Commission is putting restrictions and new processes in place on the second grant to see if conditions are met? If that is the case, it's not right nor is it fair based on something new that you're putting together when they applied on

something that's already been closed with a deadline. Now we're going to judge this based on a new application and processes. The more appropriate way would be for any grant submitted from here on to go through the new rules and processes. Ms. Nicholson thanked Ms. Poindexter for bringing that up for this application and agrees that they cannot change the rules mid-stream and must act under the rules based on what it was. Mr. DeLozier thanked Ms. Poindexter for pointing that out, however there has been a lack of information or direction from P&R. Ms. Poindexter replied that it is definitely appropriate to ask questions regarding the budget and line items requested for the second grant, but changing the matching funds will change the scope of what the intent was. Ms. Bell commented that she would've liked to have seen the contract or the RFP. Ms. Kahakalau stated that there was not one sentence about the budget, there was no mention of matching funds, allowable equipment, supplies, etc.; they were really in limbo when they wrote both grants. She is more than willing to submit the necessary paperwork to justify the budget items.

Motion: Commissioner Nicholson moved to recommend to P&R that they fund this project but along with recommendation and revised timeline pending review of allowable expenses and pending receipt of some additional materials. Seconded by Commissioner Siracusa.

Mr. DeLozier stated that he is not comfortable with this motion and wants to see the language in the Charter and allow time to review before they call for a vote.

**Lunch: 12:47 p.m.**

**Reconvened: 1:29 p.m.**

Ms. Bell asked if anyone has comments. Ms. Siracusa replied that according to the Charter, § (h) (1), *grants shall be awarded on the basis of ability of the stewardship organization to complete the project on time and within cost estimates*. The way this is written they really cannot take anything else into consideration. Mr. Kim stated that with § (h) *moneys may also be used to provide grants-in-aid for projects, which uses are reflected in § (g)*. We can give grants, however it still must be consistent with § (g). Mr. Tomich asked where does education fit into that. Mr. Kim replied that it's not spelled out in the Charter and would need to be amended. Mr. DeLozier stated that now he's read the language in the Charter § (g), items #1-13 are specific as to acceptable uses of the grant. The last paragraph of §(g) reads "*moneys in the maintenance fund shall not be used for planning, design, development, or construction of new buildings, facilities, or infrastructure including roads, paths, bridges, culverts, ramps, or drainage features*" is a specific limitation of what is excluded and not allowable. Mr. Kim agrees with Mr. DeLozier's interpretation however warned that items #1-13 in § (g) are presumed to be for maintenance use but that's not an exclusive list, there could be a use outside of that.

Mr. Meyers moved to pass the application to P&R. Ms. Bell replied that there is currently a motion on the floor and no approvals have been made.

Ms. Nicholson commented that in the Charter, §(a) it does say *maintain a healthy stewardship* and educating people about what it takes to be a steward of the land; there is an educational component there. Mr. Kim replied that he can see that, the definition of maintenance in §(b) is defined as *to preserve and conserve lands and easements acquired by the PONC fund and keep*

*them in good repair for public safety.* The focus is more on maintenance and access, education is integral, he can understand that but when he looks at the uses permitted in §(g), these are uses that are geared more towards maintenance and public safety of the property. Mr. Tomich asked if education is okay. Mr. Kim replied that it's not spelled out necessarily. Ms. Siracusa suggested that if they don't call it education and instead refer to it as information, i.e. interpretive signage. Ms. Bell's concern is that some of the budget items listed, about 90%, does not necessarily help to maintain the land. Ms. Kahakalau said that the parcel is almost two acres and why would anyone in the public want to go onto the property if there's only cut grass. What they envision with the area is to plant and grow native plants and get the community involved and in order to do that you need to educate the students and the people.

Mr. DeLozier commented that they are laying the pathway for all future grants, so what is done now is going to set a precedent and there's a difference between maintenance and promotion. It's not about promoting the property; education can be done hands on. Ms. Kahakalau noted that's the last thing they want to do is promote anything; there's hundreds of cars there every day. Waipi'o is the second most visited area on the island after the volcano. The grass needs to be maintained more than once a month, it rains almost every single day. Ms. Siracusa added that besides maintenance they are looking at maintaining the historical and spiritual aspect also. Ms. Kahakalau added that they are looking at this as "malama aina" of a wahi pana, there's a possibility that they will find historic and cultural sites.

Ms. Nicholson requested to withdraw her motion to approve the grant and then come up with whatever else they want to include and separate it into two motions.

Motion: Commissioner Nicholson moved to recommend to P&R that this proposal be approved at this level of funding. Seconded by Commissioner Tomich.

Mr. DeLozier feels that a majority of the items on the budget does not fit under maintenance. Items such as projectors, screens, trailers, new buildings, food, fuel, bookkeeping services, liability insurance. He feels that they should deny the application and give the applicant the opportunity to revise the items to be more specific where the funds are going to go and remove the items that don't pertain. Also if funds are going to be used to purchase twenty foot containers and dome shelters, wouldn't a special permit be required, especially since it's on public lands.

Ms. Nazara commented that Ms. Nicholson's motion is well stated and they should pass the grant application and make recommendations to P&R. As they add the restrictions they need to realize that it's about "malama," education is very important. As they make their decision today they must keep in mind that Ms. Kahakalau's intentions are not for herself; it's for everyone here in Hawai'i. They really need to know what "malama aina" means and how they as a Commission are going to be part of this. Mr. Tomich stated that he stands by his second to approve the grant but ask that they amend the Charter to include education for future proposals.

Motion: Commissioner Nicholson moved to recommend to P&R that this proposal be funded.

Ms. Bell asked Ms. Kahakalau if she has a scope of services for the first year. Ms. Kahakalau replied that the contract needs a final signature. The first grant will be for planning and the second grant will be to implement those areas identified. They want to create a place that will echo what Waipi'o Valley looks like, it's cultural and historical significance as well as a re-vegetation and education plan. Mr. DeLozier understands the need, but questions the feasibility. Has PIKL confirmed with the County that they will allow them to place the containers and structures on the property if approved? Ms. Kahakalau replied no they have not, but P&R has not been able to answer any of their questions. Mr. DeLozier asked what if they are unable to put the structures on the property what are they going to do with the money. Ms. Kahakalau replied that the County has to figure this out; they thought it would be similar to stewardship where they are able to store equipment on the property. But to say that you are allowed to cut the grass but you cannot store your lawnmower there makes no sense. PIKL has no intention to do anything that is not allowed by the County and if they cannot use the money, they will give it back. Ms. Siracusa noted that PIKL wants a large generator and a DIY Solar Kit with Tracker, that's a lot of equipment to generate energy. Ms. Kahakalau replied that they are open to negotiating on the budget items. The solar tracker is for long term, but until then the generator will definitely be needed. Ms. Fischer asked if the HELCO gridlines are available to this property. Ms. Kahakalau replied that there's no line right now.

**Chair Bell asked for the vote to the prior motion made by Commissioner Nicholson. Commissioner Meyers, Tomich, Nazara, Bishaw & Fischer voted in favor; Chair Bell, Vice-Chair DeLozier, Commissioner Siracusa and Nicholson voted against, motion carried.**

Ms. Nicholson suggested that the second part of the motion states that if permits are not obtained for those temporary structures, then all those budget items be removed from the budget, approximately 30,000.00 of the proposal. Mr. Bishaw asked that since the Commission approved the grant, will P&R go through the budget and will it also go before the County Council for funding. Mr. Kim replied that P&R still has to approve the grant application. Finance has control of the expenditures and yes, Council needs to approve the grant in order for PIKL to get funding. Ms. Siracusa added that the reason the stewardship grant review came before PONC was because P&R couldn't handle it. Mr. DeLozier commented that he voted no because P&R dragged it on for so long, rather than submit it to P&R as is, his preference is that PIKL revise their application and only ask for the things that fit within the parameters. Once the grant request is submitted to P&R it can be forwarded for approval without any delays. Ms. Kahakalau noted that there is a disconnect with this process and right now all that is allowed is to cut grass and she doesn't see that this is the long term vision for the County. What is a steward supposed to do on the lands owned by the County if you can't do anything; staff and community groups need to work together to come up with a plan. Mr. DeLozier suggested that she contact Braddah Skibbs who maintains the Hakalau and Honoli'i area to brainstorm and talk stories. He does a really good job doing a lot of what has been talked about with a smaller budget and he has a phenomenal educational component.

Motion: Commissioner Nicholson moved that if the applicant is unable to secure permits for the structures that are part of this budget, that funds not be released for those purposes unless permits are in place. Seconded by Commissioner Siracusa.

Mr. DeLozier suggested that rather than being specific with a laundry list of items, let Ms. Kahakalau go back and work with Mr. Potter to remove the budget items that are not within the scope of the Charter.

**Motion: Commissioner Nicholson moved that they express a concern to P&R that the grant award amount may change if the applicant is unable to obtain the required permits for any of the temporary structures. Seconded by Commissioner Fischer. Chair Bell, Commissioner Bishaw, Fischer, Meyers, Nazara, Nicholson, and Tomich voted in favor; Vice-Chair DeLozier and Commissioner Siracusa voted against, motion carried.**

Ms. Bell asked that they express their concerns to P&R about the specific line items (food, fuel, generators, dome shelters, bookkeeping services).

**Motion: Commissioner Siracusa moved that in their cover letter to P&R they direct their attention to those specific line items and let them decide on whether it's allowed. Seconded by Commissioner Nicholson; all members voted aye, motion carried.**

- **Commission to discuss Ad Hoc Committee Site Visit to Waipi'o Valley Lookout, Hāmākua, Hawai'i, TMK: (3) 4-8-04:06**

Mr. DeLozier asked is it necessary to do a site visit since they already approved the grant. Ms. Siracusa feels that they should visit the property to see what it looks like now before anything has been done. Ms. Nicholson doesn't feel that there's a need for a site visit at this time. Ms. Bell suggested that anyone interested can attend the community gathering on Saturday.

- **Commission to discuss, review and potentially revise PONC Stewardship Grant Request Application**

Ms. Bell asked if this item could be moved to the agenda for the March meeting. Mr. Tomich noted that in an earlier discussion a sub-committee be formed.

Motion: Commissioner Tomich moved that a sub-committee be formed to review and revise the PONC stewardship grant form. Seconded by Commissioner Nicholson.

Ms. Bell asked who is interested on being on this sub-committee. Ms. Siracusa, Ms. Nicholson and Mr. DeLozier are interested.

**Motion: Commissioner Nicholson moved to appoint an ad-hoc committee to work on the stewardship grant application and provide a draft to Ms. Kelepolo to send out to the Commission at the next meeting. Members will be Commissioners Nicholson, DeLozier and Siracusa. Seconded by Commissioner Fischer; all members voted aye, motion carried.**

- **Commission to discuss, review and potentially revise PONC Suggestion Form and Assessment Criteria Form**

Ms. Bell asked if they have any changes to the forms. Ms. Nicholson feels the form has worked well and she has no suggestions for changes.

**Motion: Vice-Chair DeLozier moved that the forms remain unchanged from last year and used again for 2016. Seconded by Commissioner Nicholson; all members voted aye, motion carried.**

### **ANNOUNCEMENTS**

The next meeting is scheduled for Monday, March 14, 2016, 10:00 a.m. in the West Hawai'i Civic Center, Building G Conference Room, 74-5044 Ane Keohokalole Highway, Kailua-Kona, Hawai'i.

Ms. Bell set the agenda for the next meeting to include the draft and review of the stewardship grant application, charter amendment to include education as part of maintenance, report by commissioners attending the various CDP meetings and draft press release for 2016.

### **ADJOURNMENT**

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

Meeting adjourned at 2:54 p.m.

Respectfully submitted,

Alexandra Kelepolo  
Property Management Technician