

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

MINUTES-REGULAR SESSION  
November 14, 2016  
West Hawai'i Civic Center  
Building G Conference Room  
74-5044 Ane Keohokalole Highway  
Kailua-Kona, Hawai'i 96740

Present: Chair Barbara Bell  
Vice-Chair Timothy DeLozier (*arrived @ 10:19 a.m.*)  
Commissioner Kai'ena Bishaw II  
Commissioner Susan Fischer  
Commissioner Cynthia Nazara  
Commissioner Marilyn Nicholson  
Commissioner René Siracusa  
Commissioner Kekaulike Tomich

Absent: Commissioner William Meyers

Others Present: Amy Self, 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 Barbara Bell at 10:06 a.m.

**STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS**

**CYNDY DYAL**

Ms. Cyndy Dyal thanked the Commission for approving their efforts to create open space. She sent the letter because she found out that the previous owner was telling her that the road was his and it didn't make sense since it wasn't his property anymore. She spent hours with Planning Department and Public Works and was assured that the road was an easement for water and not a County road however that's not the case. It is the only access into the property and the University Heights West subdivision. There was supposed to be a park there but because it was designated an affordable housing development that didn't happen.

She met with Superior Sanitation and if there's any trash on the property they will probably be able to donate a bin. Laurie Waller has also volunteered to help resolve the recycling and green waste problem on the property.

## **RICK VIDGEN**

Mr. Rick Vidgen noted that what emerges when you look at this property is that at the time the University Heights West Subdivision was being built, the owner needed a road and somehow managed to create an easement. The reality is still the same, this place deserves to be a park and there's an opportunity now to make it happen.

Ms. Marilyn Nicholson asked Ms. Dyal and Mr. Vidgen if they are aware that this request will go nowhere unless they obtain a resolution from the County Council to pursue acquisition. Ms. Dyal replied that she received communication from Ms. Karen Eoff of her support for this property.

Ms. Nicholson commented that her understanding is that this easement is the way that residents who live in University Heights West get to their homes. Ms. Dyal replied yes and noted that Public Works did say that if the owner wanted to, he could put walls up on either side of the road and it would be legal. Basically, this is the only way in, there is no other road.

Ms. Nicholson asked if the County acquires this parcel and easement would the County put in a road. Ms. Dyal replied that the road is already built to County standards; it has the correct width, signage and double yellow lines. Ms. Amy Self commented that whoever owns the road could dedicate it to the County and is surprised that it wasn't done when the subdivision was built. She would think the current owners have an easement in place to use that road. Ms. Dyal replied that they don't; only a handful of owners have an easement. Ms. Self replied that if that's the only access, they would be landlocked. She added that usually when a subdivision is created the easements are granted at that time.

Ms. René Siracusa noted that the County goes through a process when acquiring a property and orders various studies and surveys as required. She asked Mr. Hamana Ventura if he would have to go back in those documents to see how to clear up any issues on title and consult with Corporation Counsel. Mr. Ventura replied yes.

Ms. Cynthia Nazara asked if there's been an archaeological survey completed for this property. Ms. Dyal replied that it was done a long time ago by Bob Rechtman and the only evidence of any possible burial sites would've been underneath the road, there's a collapsed lava tube. The rest are farm sites and it was not discovered that there was anything significant there. Mr. Vidgen added that Mr. Rechtman came to look at the property and said if there was anything there it's gone now. There are marks on the rocks which show that a bulldozer's been there. Ms. Dyal noted that there was an archaeological study done prior to the development of University Heights West and there was nothing documented as being an issue. Ms. Nazara asked if another archaeological survey would be required in the future. Mr. Vidgen replied not as far as they can see, it's a road and they're not going to dig it up.

## APPROVAL OF MINUTES

Ms. Bell asked if there are any changes. Ms. Siracusa noted that there were many typos however none substantive so she provided Ms. Alexandra Kelepolo with the revised changes.

Ms. Marilyn Nicholson noted changes on page 3:

Members of his ohana helped to clean up the trash in the camp area also making sure the ~~portables~~ [porta potties] are maintained and not trashed.

Ms. Susan Fischer noted changes on pages 6, 12 and 13:

The most dangerous ~~plac~~ [thing] about Kāwā is people drowning.

Ms. Self replied that based on what she sees for the purposes of the Charter, she ~~don't~~ [doesn't] see education as the main purpose.

There were just two people there that weren't supposed to be there [and after they left the site visit group collected a whole bag of trash]. ~~and they had a whole bag of trash.~~

**Motion: Commissioner Siracusa moved to approve the minutes of September 12, 2016, regular session, as amended. Seconded by Commissioner Kai'ena Bishaw; all other members voted aye, motion carried.**

## WRITTEN COMMUNICATION

Communication No. 16-027: Letter dated November 2, 2016 from Cyndy Dyal and Rick Vidgen, Clark Realty Corporation, re: Updates for Communication No. 16-006, Haleohiu Homesteads, (North Kona), TMK: (3) 7-3-03:10

**Motion: Commissioner Siracusa moved to accept and file Communication No. 16-027. Seconded by Commissioner Nicholson; all other members voted aye, motion carried.**

## DEPARTMENT OF FINANCE REPORT

Mr. Ventura asked Ms. Kelepolo to provide the Commission information on the acquisition of Kahuku which took about six years to acquire. Ms. Kelepolo replied that the County closed escrow on November 4<sup>th</sup> for 3,127 acres in Ka'ū. The acquisition cost was 2.6 million with County funds in the amount of 764,755.00, a U.S. Fish and Wildlife grant for 1.2 million and State, Legacy Land Conservation Grant for 621,245.00. We have scheduled a site visit to the property next month and have invited community members, non-profits and government agencies to discuss future management and stewardship. With this acquisition, the County now owns over 4,400 acres of land for open space protection.

Mr. Ventura reported that he and Ms. Kelepolo met with the engineering firm working with the State regarding flooding issues at Kāwā. They are looking at raising the level of the road and are

requesting that the entry point on the north side of the pond be re-located because that's the area they're going to be working in.

Ms. Siracusa asked for the status of Vacationland Land Trust. Mr. Ventura replied that the shoreline survey has been completed and it's moving forward. Ms. Kelepolo replied that she has the paperwork and will be sending it to DLNR, Land Division this week. The state surveyor will then need to come down for a site inspection and once his assessment is completed, it will need to be published twice in the OEQC bulletin. It is a process and could take about three to four months for final approval.

Mr. Bishaw asked if commissioners could come on the site visit for Kahuku. Ms. Kelepolo replied that members of the ad hoc committee could or no more than two commissioners that are not on the committee.

Mr. Ventura thanked Ms. Nicholson and Ms. Bell for their time and input to the program as it continues to evolve and expand.

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

Ms. Self has an upcoming training set up with Mr. Scott Glenn from the Office of Environmental Quality Control if anyone's interested. It will be held in Hilo on Wednesday, November 16<sup>th</sup> at 9:00 a.m. in the State Building, Rooms A & B, and in Kona on Thursday, November 17<sup>th</sup> at 9:00 a.m. in the Mayor's conference room. This will be a training to help people better understand Hawai'i Revised Statutes, Chapter 343 which relates to environmental assessments and environmental impact statements.

### **CHAIRPERSON'S REPORT**

Ms. Bell had nothing to report.

**Recess: 10:47 a.m.**

**Reconvened: 10:53 a.m.**

### **NEW BUSINESS**

- **Commission to review, finalize and approve the 2016 Annual Report to the Mayor**

*(the commissioners went into discussion)*

Motion: Commissioner Siracusa moved to accept the draft cover letter prepared by Chair Bell with the changes referencing Mayor Kim instead of Mayor Kenoi and the third paragraph, second line as noted by Chair Bell. Seconded by Commissioner Nicholson.

Ms. Self noted a correction to change Robert to Ronald and add Deputies Corporation Counsel.

Motion: Vice-Chair Tim DeLozier moved to amend Commissioner Siracusa's motion to include this last additional correction.

Ms. Bell changed fun to meaningful in the last paragraph.

**Motion: Commissioner Siracusa withdrew her original motion and made a new motion to accept the draft cover letter presented by Chair Bell with the following corrections: 1) letter is addressed to Honorable Harry Kim, Mayor, 2) third paragraph, second line, deleting "to the future of" and replacing with "at", 3) fourth paragraph, change Robert Kim's first name to "Ronald", 4) change Corporation Counsel Deputies to Deputies Corporation Counsel and 5) last paragraph replace "fun" with "meaningful." Seconded by Commissioner Kekaulike Tomich; all other members voted aye, motion carried.**

*(the commissioners continued their discussion)*

**Motion: Vice-Chair DeLozier moved to accept draft with various revisions as discussed. Seconded by Commissioner Siracusa; all other members voted aye, motion carried.**

➤ **Schedule Commission meetings for 2017**

Ms. Bell noted that Ms. Kelepolo passed out a calendar with the 2017 meeting dates highlighted.

Monday, January 9, 2017 (Kona)

Monday, March 13, 2017 (Hilo)

Monday, May 8, 2017 (Kona)

Monday, July 10, 2017 (Hilo)

Monday, September 11, 2017 (Kona)

Monday, November 13, 2017 (Hilo)

Ms. Kelepolo asked Ms. Bell if they want to have a special meeting in September to review stewardship grants. Ms. Siracusa suggested having a meeting in October instead of two in September.

*(the commissioners went into discussion)*

**Motion: Vice-Chair DeLozier moved to schedule a special meeting for the stewardship grants on October 9, 2017 with the location to be determined. Seconded by Commissioner Bishaw; all other members voted aye, motion carried.**

➤ **Election of new officers for 2017**

Ms. Fischer nominated Ms. Nazara for Chair and Mr. Kekaulike Tomich for Vice-Chair.

**Motion: Commissioner Fischer moved to elect Commissioner Nazara as Chair and Commissioner Tomich as Vice-Chair. Seconded by Commissioner Nicholson; all other members voted aye, motion carried.**

➤ **Commission to discuss and review the draft PONC Stewardship Grant Request Application**

Ms. Kelepolo noted that a representative from P&R was not able to make it; it is the ending of the administration and there are many projects that need to be completed. She suggested that they move this agenda item to the January meeting.

*(the commissioners went into discussion)*

This discussion will be continued at the January meeting.

**ANNOUNCEMENTS**

The next meeting is scheduled for Monday, January 9, 2017, 10:00 a.m. in Kailua-Kona, Hawai'i (location to be determined).

Ms. Kelepolo noted that the agenda items for January will be selection of the ad hoc committee for 2017, scheduling of community meetings for outreach, discussion with P&R on the application and stewardship grant process and review and revision of forms.

**ADJOURNMENT**

Meeting adjourned at 12:11 p.m.

Respectfully submitted,

Alexandra Kelepolo  
Property Management Technician