

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

MINUTES-REGULAR SESSION

July 10, 2017

Hilo Council Chambers
25 Aupuni St., Suite # 1401
Hilo, Hawai'i 96720

Present: Commissioner Timothy DeLozier
Commissioner Kai'ena Bishaw II
Commissioner Wayne Frank
Commissioner René Siracusa
Commissioner Frederick "Rick" Warshauer
Commissioner Susan Fischer (*arrived at 10:10 a.m.*)

Absent: Chair Cynthia Nazara
Vice-Chair Kekaulike Tomich
Commissioner William Meyers

Others Present: Amy Self, Deputy Corporation Counsel
Hamana Ventura, Property Manager, Finance
Maxine Cutler, Property Management Technician, Finance
Alexandra Kelepolo, Property Management Consultant, Finance

CALL TO ORDER

The meeting was called to order by Ms. Self at 10:08 a.m., due to the absence of Chair Ms. Nazara and Vice Chair Mr. Tomich. She counseled the commissioners according to PONC Rules; the members need to elect an acting chair for today's meeting.

**Motion: Ms. Siracusa moved to nominate Mr. DeLozier as Acting Chair.
Seconded by Mr. Frank; all members voted aye, motion carried.**

After a brief recess, Acting Chair Mr. DeLozier gave a warm welcome and provided general information regarding testimonies to the public.

STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

PELEHONUAMEA HARMAN

Ms. Harmon is here today representing her Ohana, and the descendants of Kauakaole of Waikapuna and in support of Communication No. 17-011, and her Ohana, in preservation of her Hawaiian cultural practices and the sustainability of Ka'u. She gave a brief history of her family's direct connection with Waikapuna and they are the descendants of the Great-Great-grandfather who managed the fishing

season of Waikapuna. She is here to support this partnership with Public Land Trust.

TONI WITHINGTON

Ms. Withington is here today representing the groups that nominated Communication 17-004, 005, 006, 007, 008, and 009. They are Kamakani 'O Kohala Ohana, Maika'i Kamakani 'O Kohala, Malama Na Wahi Pana 'O Kohala, and Malama Kohala Kahakai. She wants to really, really encourage the commission, to encourage the staff, and the county to work with them in preserving the Hapu'u Kapanai'a and Halelua nominations, because they are the homelands of Kamehameha, where he built his home, where his family lived, where he built his Heiau, trained his warriors, farmed his foods, made their canoes, planned their attack, and united the islands. It is also on the highest priority list of the North Kohala CDP for recreation, fishing, and gathering. She read a letter from Michelle McDonald, Chair of Vipassana Hawaii, and owner of Halelua.

Mr. DeLozier: You mentioned there was pending resolutions for two?

Ms. Withington: The resolutions for Hapu'u Kapanai'a and Halelua have been unanimously passed in December 2015.

Mr. DeLozier explained once the resolution has passed, there is little involvement from the commission.

Ms. Withington: Yes we have been through this before. The reason that we need these parcels on the list, we are procuring matching funds and by being high on the priority list, it gives us the ability to say to other funders that the county councils and commission see this as a high priority.

Mr. DeLozier: That actually answered my next question about matching funds, or progress or what is the status on that?

Ms. Withington: Absolutely, we're working with Legacy Lands for one of the properties, Kapanai'a, uh, two of the Kapanai'a parcels right now. Hawaiian Islands Land Trust has moved the Kula iwi O Kamehameha up on their priority list, and I think we might be able to get some assistance this year.

Mr. Warshauer: On the maps that you have shown us, there is a corridor, and lands that are state owned, lands do you want to acquire, lands that are mapped, what does this mean? Is this your concepts of the map or artifact of the map?

Ms. Withington: Our kapuna told us in the 70's to go for the whole coast, where did they live, how they go fishing, what is there. Yes we would like to see the whole coastline open and accessible coastline open space.

Mr. DeLozier: Are there any questions from the commission? None, thank you Ms. Withington.

SAM FOWLER

Mr. Fowler: These lands that we have been discussing in our group, my wife takes care of all that and do the presentation in the respect that these lands need to be protected; homes are being built on it. Just three months ago, a developer built on the King's Trail and that 2,000 yr. and a village. The fact is the rock wall and village is no more there, it is gone. How can they do that, bring in a bull dozer on Friday and by Monday it's gone. We need you folks to come and look at it. To walk among these ruins and have a sense of what it is. We need to be done and enforce.

Mr. DeLozier: Are there any questions from the commission? None, thank you Mr. Flower

DENNIS HART

Mr. Hart from South Kona, Honaunau, President of the Ala Kahakai Trail Association; I am in agreement with everyone here today, to save our 'Āina and our archeological sites. I have three crews to clean-up the trails for 13 years. We have seen the destruction in different areas. There were three owners who illegally developed and destroyed these sites; one developer, bull- dozed without a permit, a section of the Kings Trail, which was 10 foot wide and graded it into a 2-line highway, another built his 2-story house on the coastline on a burial cave, and another bull-dozed the double walls of the trails. I get pretty upset. That he was allowed to build on an archeological site, we are here trying to save on one of these sites, on the I'O Lani Kea site the Lost City. I don't really know all about the "Lost City." We are researching the archives for information about the Lost City. That's all I have, any questions?

Mr. Warshauer: In the application, you referred to the Lost City but there was nothing about it in the application, can you tell us more about it?

Mr. Hart: It was recent that he heard about this and went to talk to different families. They confirmed it was the Lost City, Kamehameha Schools put out a book about the Lost City. It tells how King Kamehameha's General named, Kehuaupē'o who lived in Keei, his house is still there. He trained his warriors how to fight, lua fighting, planned his wars; a whole village was up there. It was a great significance to the Hawaiian culture, researching for documents about the city is proceeding. The main site with all this belongs to another owner, who pulled out last minute. Already he has built and poured concrete house pad and carport.

Mr. DeLozier: Are there any questions for Mr. Hart? Thank you Mr. Hart, we appreciate all the time you have spent.

DAVE BOOTH

Mr. Booth: resident of South Kona for 20 years, a volunteer member of the Fire Department, and have acquired signatures for saving the land. He goes on to describe the trail. He is in support of Communication 17-013 and the trail. He explains the illegal building on the trail and a building built without permit. He helps to clean that portion of the Ala Kahakai trails and make it walkable. The idea

of using the trail, the trail adds an easement boarder, so it is cost effective by just buying the land.

Mr. DeLozier: Are there any questions for Mr. Booth? We appreciate your comments Mr. Booth, thank you so much.

DORTHY KALUA and LYNN HAMILTON

Ms. Hamilton and Ms. Kalua both from Pahala in support of Communication 17-014; she passed out map of 60 acre parcel of the sugar mill. Last week, the land is up for auction, last plantation from the community. Both asked if PONC would consider this to be an acquisition.

Ms. Kalua: I am in support of Communication 17-014, read a letter from Clyde B. Silva. The letter gave historical history and in strongly urges the county to purchase the 60 plus acres.

Ms. Hamilton further discusses the property and urges the county to purchase this land.

Mr. DeLozier asked questions about the auction and foreclosure

Ms. Hamilton: Mr. Mendoza was assigned by the court to handle the sale. The owner owes money and it is going to auction.

Mr. DeLozier asked Mr. Ventura: Is there is something that could have done formally to amend this application?

Mr. Ventura: We must take the initial application as is; as it was presently.

Mr. DeLozier explains that in the application #3 and #6 the information has changed, with the new information received, this could affect the scoring.

Ms. Hamilton replies that the auction date was unknown at the time of the application and we just found out that, it is this month. Our part was to present testimony.

Mr. DeLozier explains to Ms. Hamilton that the question presented was more of a procedural consideration and needs comments from Ms. Self or Hamana where the information may affect scoring?

Mr. Ventura: Can you repeat the question once again?

Mr. DeLozier: When I rank this property, do I rank it based on the application or because circumstances have changed since the application was submitted or can I factor these changes in how I rank the property?

Mr. Ventura: When you make your determination it is based on initial application. But if you have pertinent information that has changed since the initial application, should be able to use that to help you with your assessment.

Ms. Siracusa: On page 2 of your application no. 1, the last sentence is cut off in the middle.

Ms. Hamilton: It didn't print out all the way so we added it to the bottom of the form after #6.

Mr. Warshauer: Is this the plant that they proposing to do some kind water bottle plant of some sort?

Ms. Hamilton: Yes and discusses further the importance of the historical value of the property.

Mr. DeLozier advices Ms. Kalua and Ms. Hamilton to speak with their county council representative about the pending foreclosure and auction and further notes that the commission is here to rank suggestions, the county reviews it. The board is not involved with how the monies are spent or which properties we are going to buy. Thank you. We appreciate your time and thank you so much for coming.

LAURA KAAKUA

Ms. Kaakua from Trust for Public Land testifying in support of Communication 17-011; we assist various communities throughout Hawai'i and the various counties to help and protect places of special importance to local communities and the PONC commission and program is really a model that all the other counties look to for guidance as they try to run their programs or improve their programs. Just wanted to commend everyone here today for all your work. The Trust for Public Lands is a non-profit organization that assist communities and governments agencies to protect land. Our simple mission is try to connect or reconnect people to the `āina. My job as Native Land's Project Manager is to connect or reconnect people, back to places to perpetuate or carryon Hawai'ian culture, not just native Hawaiians, but everyone. She mentions working together with the county with past project like Honu'apo fish ponds and Kāwā along the Ka'ū coast. She states that they were asked to get involved by descendants, some of whom are here today. We decided to working with the descendants of Waikapuna in Ka'ū to keep it in open space and preserve the many archeological finds in Waikapuna. We have applied with the State Legacy Land Commission about Waikapuna, which they ranked it as No. 1 on their list and have recommended a \$2 million matching funds in fee purchase which would go to Ala Kahakai Trails Association. We are proposing to you to purchase a conservation easement on the land. It is a legal restriction, legal agreement made between future land owner, Ala Kahakai Trails Association, and the county. The county can use this legal agreement, this grant of conservation easement that gets recorded and runs with the land. The county can use this legal restriction to limit sub-division, limit any development, require certain management public access, require management plan, require archeological study, or any restrictions can be done thru the vehicle of a conservation easement. We recommend this is the best suited for this property, its best suited for the Ka'ū community as they rely on the land for their subsistence.

Mr. DeLozier: Are there any questions from the commissioners? Thank you so much.

KEONI FOX

Mr. Fox is here in behalf of Communication 17-011 and strong support of the acquisition of Waikapuna. I am here to speak in behalf of my family, the Keanu Ohana of Ka'u, also a member of the Ala Kahakai Kai Trail Association. I am their Ka'u representative. Originally, our family are direct lineal descendants of this property and the surrounding lands. He further explains the risk of being development because the plantation was selling huge parcels of these lands. Because some of these lands were being used for ranching and not developed, a lot of the cultural sites were preserved in pristine conditions, even the fishing grounds. Their family reached out to Trust for Public Lands to find a creative way to preserve these lands and formed a partnership with Ala Kahakai Kai Trail Association, because part of the Ala Kahakai Kai trail runs thru the land and connects to Na'alehu. We feel this is an ideal candidate for PONC acquisition, because it will fulfill all the goals of PONC requirements. It is also on top priority in the Community Development Plan and being reviewed by the County Council for review. Kau still relies of sustenance of living by fishing and farming for food in Ka'u. It is important because this is a place where fish spawn.

Mr. DeLozier: Are there any questions from the commissioners? Thank you so much for coming.

DEBBIE FOWLER

Ms. Fowler representing Communication 17-013 and the owners of IO Lani Kea Trust, Ken Obenski and Cindy Whitehawk active participants in this process. I also speak for the South Kona Trail Crew, which is on board with this acquisition which meets all the application requirements and standards of PONC. This property is untouched, pristine, undeveloped, coastal property. It is also well-maintained trail, used by the local residents, tourists, and public to hike along the trail and access for local fishing areas. Debbie goes on to described the research done by Dr. Reichmann who did the archeological survey which refers to it as the Lost City. She has done some research trying to find anything referring to the Lost City. The property is covered with archeological sites, endangered species, protected plant life, alkaline ponds. It might not be the biggest property, but it has a lot going for it. And we feel it's worth protecting and we hope you feel it's worth protecting too.

Ms. Siracusa asks about the habitat of the endangered Blackthorn Sphinx moth? Is it good for it? Or does that mean that there is no moth?

Ms. Fowler: The moth is on the property.

Mr. DeLozier: Are there any questions? Thank you, thank you again.

BILL SHONTELL

Mr. Shontell, Executive Vice President, Chief Operations Officer of Surety Corp and for Communication 17-012, passed out his testimony and read his testimony in opposition to nomination of our property near the Pololu Lookout. The property is Makai and identified as TMK (3)5-2-001:02 and 03. We have offered the Mauka property to help relieve the congestions and parking problems near the lookout. We have stated that we would withdraw from discussions, if any suggestions were made to our Makai properties. We have stated then and now that we are not interested in selling our Makai property to PONC or to the County. He goes on to end the letter requesting removing their property from the nominations.

Ms. Siracusa: Are you aware that we received a letter from Debra Winter withdrawing the nomination?

Mr. Shontell: I heard about a letter, but not aware if it was.

Ms. Siracusa: The nomination has been withdrawn.

Mr. Warshauer and Mr. Shontell discussed alternatives to the problems at the Pololu Lookout and that the North Kohala Community Development Plan Action Committee had community meetings regarding the Sproat's property alternative to the problems at the lookout.

Ms. Fischer states that there was discussion for a new location for the lookout near Akoakoa point. Is your property for sale?

Mr. Shontell restates we are not interested in selling the property.

Ms. Self directs the members of the commission that the nomination has been withdrawn. This area of concern is part of your agenda.

Mr. DeLozier: Thank you. Thank you again Mr. Shontell. We will now take a 10-minute break. It is 11:30 a.m. and we reconvene at 11:40 a.m.

APPROVAL OF MINUTES

Mr. DeLozier: Welcome back everyone. Next item on the agenda is the minutes for March 13, 2017, there was no minutes from the May 8th, due to lack of quorum. Any discussion?

Motion: Ms. Siracusa motion to approve.

Mr. DeLozier: We have a motion any discussions?

Ms. Fischer: There are two corrections, page two, "publicly" should be "political" it is critical to his approach and it is stated three Mr. DeLozier's, and on page eight, "millon" is misspelled should be "million"

Mr. DeLozier: Ms. Siracusa would you like to amend your motion.

Motion: Ms. Siracusa: motion to approve minutes of March 13, 2017, regular session as amended. Seconded by Mr. Warshauer; no discussion; all members voted aye, motion carried.

WRITTEN COMMUNICATION

Mr. DeLozier: We have a series of communications beginning with 002-014.

Motion: Ms. Siracusa moved to file Communication 17-002 & 003, and welcome Mr. Warshauer and Mr. Frank to our commission. Seconded by Mr. Bishaw II; no discussion; all members voted aye, motion carried.

Mr. DeLozier: Do I have a motion to move and file Communications 17-004 to 014, please?

Motion: Mr. Warshauer: so moved. Seconded by Ms. Fischer; no opposition to approve Communications 17-004 to 014; all members voted aye, motion carried.

Ms. Cutler reminds the chair of Communication 17-015 to approve and file.

Mr. DeLozier: We have a received a late Communication 17-015 dated July 7, 2017, which refers to Communication 17-012 withdrawing Communication 17-012. Any discussions on 17-015? None, may I have a motion to approve and file this Communication, please?

Motion: Ms. Siracusa moved to approve and file Communication about Pololu, the one received on July 7th. Seconded by Mr. Frank; no discussion, all members voted aye, Motion carried.

Ms. Kelepolo gives instructions to PONC Commissioners regarding Communication 16-020 and 16-021 that were submitted last year and was still on the list for your consideration and scoring this year. There is no need to approve and file, since it was already done last year. However, these communications have no attachments and only submitted as you see it. It should not score high.

Mr. DeLozier: Just for clarification, all commissioners should have a copy of those communications? And these two applications were received after the deadline and you have received from Maxine.

DEPARTMENT OF FINANCE REPORT

Mr. Ventura greets commissioners and chair: Any questions I can answer from this morning?

Mr. DeLozier: replies can you bring us up to date about what Toni brought up this morning, what the status is?

Mr. Ventura: We have talked to Toni about moving forward with some of the additional Kohala properties. It's under consideration for purchases. They have

submitted quite a bit of parcels in the past and that we need to weigh that out at this Mr. DeLozier.

Mr. DeLozier: Okay, any other questions for Mr. Ventura?

Ms. Siracusa asked a procedural question, Hamana? There's at least one property that we passed and it went on to council and they passed it. And then the land owner decided he didn't want to sell after all and it was dropped. I am referring to Wai'ele. Now I am hearing that the landowner has changed his mind, do we have to start from the beginning? Or can we pick up from where we left off?

Mr. Ventura: Have you heard from the landowner or where did you get your source, where is it coming from?

Ms. Siracusa: One of the people in the community down there, the adjacent neighbor was told by the landowner who passed on the information to me.

Mr. Ventura: We like to from the land owner. The landowner needs to contact us, if the landowner is willing to sell, then we will take into consideration again in its current state.

Ms. Siracusa: My second question, the Vacation Lands, Lands Trust acquisition?

Mr. Ventura: We have ordered the Shoreline Net Certification Survey that gives us a net land area and we have received that land area. Since our last meeting we have proceeded with a requisition and are in the process of getting the appraisal. Once the property is appraised, we then can put together a purchase agreement for consideration from the land owner. We knew that this process was going to take us till Mid-Summer until the certification was reviewed and approved by the state.

Mr. Bishaw II: Do you know when we can visit or see the Kawa Management Plan?

Mr. Ventura: We are almost at that point where were final with that plan, almost there. We had the meeting with Kawa Management Plan Draft Plan which is online for public to comment on. We expect within a couple of months for the final report.

Mr. Bishaw II: Okay, can I have one?

Mr. Ventura: Yes, we will give you one. (Rest of the commissioners waive their hands for one too.)

OFFICE OF THE CORPORATION COUNSEL'S REPORT

Ms. Self has no report.

Mr. DeLozier: Any questions from the commissioners for Ms. Self? None. Thank you so much.

CHAIRPERSON'S REPORT

Mr. DeLozier announces a quick welcome to Commissioner Mr. Warshauer from District 6 and Commissioner Mr. Frank for District 4 and thank you for your time and for sitting on these commissions.

COMMISSIONERS: COMMUNITY MEETINGS

Ms. Fischer reports attended the North Kohala CDP meeting; we passed out information and flyers. Thank you to the staff in your help and the community is in support of the applications.

NEW BUSINESS

Summary discussion held by the board members regarding the online version of the form: data inputting in the space provided of the suggestion form, the tax map key number and map and the Real Property Tax assessment valuations. Mr. DeLozier continues give counsel and clarification that valuations are not part of the rating process, tax map key no. and map is on the form for applicants to provide.

Mr. DeLozier requests to Ms. Cutler that she provides each year we give to the commissioners an overall map about the suggestions and communications each year.

Ms. Cutler acknowledges the requests to provide the commissioners with an overall map of the suggestions each year.

Motion: Mr. Bishaw II moved to change Hamana Ventura's name and contact information to Maxine Cutler's name and contact information on the back page of the Suggestion form. Seconded by Mr. Frank; no discussion, all members voted aye, Motion carried.

Mr. DeLozier: Next item of business to discuss, review, and assess the suggestions form submitted by the public for 2017 for Communications 17:004-14, including 16-20 and 16-21.

Motion: Mr. Bishaw II moved to defer this to the next meeting, giving the members time to review the applications.

Summary discussion held by the members regarding the deadline date for submitting the scores is August 25th and must be submitted to Maxine by then.

Mr. DeLozier: That next meet on September 11th, will be for discussion, review, and last opportunity to revision for the scores, with Communication 17-012 has been withdrawn.

Motion: Mr. Bishaw II withdrawals his motion.

UNFINISHED BUSINESS

Summary discussion regarding adding one more member to the PONC Ad Hoc committee and discussion on the Ad Hoc report with Ms. Self and commissions and set the scope of what that need to do for the commission.

Ms. Self clarifies that adding a fourth member to the committee today will count as the first of three meetings. First one, today is to add a fourth member and set the scope for them to visit; Second is for them to report back; and the final meeting in October, the committee can then discuss that report. Ms. Self clarifies that is what the Sunshine Law requires.

Ms. Kelepolo clarifies that in the past, the September meeting is to hear the Ad Hoc committee reports, discuss it and finalize the rankings.

Ms. Self replies that the Sunshine Law requires three meetings: 1st to set up Ad Hoc and set their agenda, 2nd to have them report back to this commission and the 3rd is for discussion of that report. She comments that adding a member today will count as the first meeting, set their agenda and report back at the September meeting and their October meeting and take action. She has this discussion with OIP and OIP won't back down.

Mr. DeLozier: Does anyone would like to be a member of the PONC Ad Hoc committee?

Mr. Warshauer replies he would like to be part of this Ad Hoc committee.

Motion: Ms. Siracusa moved to add Mr. Warshauer to PONC Ad Hoc committee. Seconded by Ms. Fischer, no discussion, all members voted aye, Motion carried.

Summary discussion for commission to choose the suggestions to visit. Ms. Siracusa mentions the Lost City, and Mr. Warshauer adds the two applications for Waikapuna. Mr. Bishaw II recommends Communications 17-010, 011 and 17-013.

Motion: Mr. Frank moved to Ad Hoc committee visits site 17-010, 17-011, and 17-013. Seconded by Mr. Bishaw II, no discussion, all members voted aye, Motion carried.

Mr. DeLozier confirms to Ad Hoc committee to visit Communication 17-010, 17-011 and 17-013.

A summary discussion held between the commissioners to set the agenda for the September 11, 2017 in this order:

- PONC Ad Hoc Investigative Committee to provide a report for site visit for Comm. 17-010, 011, and 013
- Commission to consider and discuss updating the 2017 Prioritized List.

- Commission to discuss and assign write-ups for the drafting of the 2017 Annual Report to the Mayor.
- Commission to discuss, review, and update PONC Suggestion Form 2018, Changing of Deadline date.
- Commission to discuss, review, and revise Criteria Form 2018, format and scoring.

ANNOUNCEMENTS

- The next meeting is scheduled for Monday, September 11, 2017 at 10:00 a.m. in the West Hawai'i Civic Center, Building G Conference Room address is 74-5044 Ane Keohokalole Highway, Kailua-Kona, Hawai'i 96740
- Set agenda for Monday, September 11, 2017

ADJOURNMENT

Motion: Mr. Siracusa moved to adjourn. Seconded by Mr. Bishaw II, no discussion, all members voted aye, meeting adjourned at 1:47 p.m.

Respectfully submitted,

Maxine Cutler

Maxine Cutler
Property Management Technician